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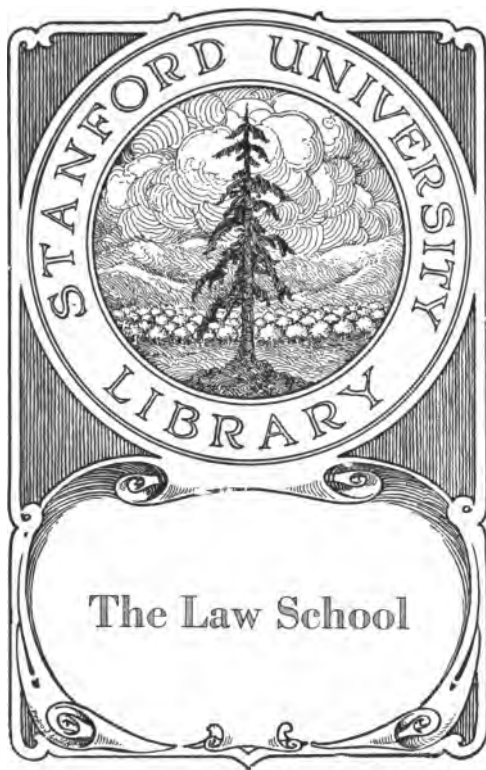
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Ohio Collections

ACTS
OF THE
STATE OF OHIO

FIRST SESSION

OF

The General Assembly, held under the Constitution of the
State, A. D., One Thousand Eight Hundred and
Three, and of the Independence of
the United States the
twenty-seventh.

ALSO

AN APPENDIX

CONTAINING

CERTAIN RESOLUTIONS

VOL. I

PUBLISHED BY AUTHORITY

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CONSTITUTION

Of the State of Ohio, Framed in Convention at Chillicothe,
November 29, 1802.

We the people of the eastern division of the territory of the United States northwest of the river Ohio having the right of admission into the general government, as a member of the union, consistent with the constitution of the United States, the ordinance of congress of one thousand seven hundred and eighty-seven and the law of congress, entitled "An act to enable the people of the eastern division of the territory of the United States northwest of the river Ohio to form a constitution and state government, and for the admission of such state into the union on an equal footing with the original states, and for other purposes," in order to establish justice, promote the welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent state, by the name of the *State of Ohio*.

ARTICLE I.

Sec. 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both to be elected by the people.

Sec. 2. Within one year after the first meeting of the general assembly and within every subsequent term of four years, an enumeration of all the white male inhabitants above twenty-one years of age, shall be made in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumer-

ation, be fixed by the legislature and apportioned among the several counties, according to the number of white male inhabitants above twenty-one years of age in each, and shall never be less than twenty-four nor greater than thirty-six, until the number of white male inhabitants, above twenty-one years of age, shall be twenty-two thousand, and after that event, at such ratio that the whole number of representatives shall never be less than thirty-six, nor exceed seventy-two.

Sec. 3. The representatives shall be chosen annually, by the citizens of each county respectively, on the second Tuesday of October.

Sec. 4. No person shall be a representative who shall not have attained the age of twenty-five years, and be a citizen of the United States and an inhabitant of this state; shall also have resided within the limits of the county in which he shall be chosen one year next preceding his election, unless he shall have been absent on the public business of the United States or of this state, and shall have paid a state or county tax.

Sec. 5. The senators shall be chosen biennially by the qualified voters for representatives; and on their being convened in consequence of the first election they shall be divided by lot, from their respective counties or districts, as near as can be into two classes; the seats of the senators of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half thereof, as near as possible, may be annually chosen forever thereafter.

Sec. 6. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the several counties or districts to be established by law according to the number of white male inhabitants of the age of twenty-one years in each, and shall never be less than one-third, nor more than one-half of the number of representatives.

Sec. 7. No person shall be a senator who has not arrived at the age of thirty years and is a citizen of the United States ; shall have resided two years in the county or district immediately preceding the election, unless he shall have been absent on the public business of the United States or of this state, and shall moreover have paid a state or county tax.

Sec. 8. The senate and house of representatives, when assembled shall each choose a speaker and its other officers, be judges of the qualifications and elections of its members, and sit upon its own adjournments ; two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

Sec. 9. Each house shall keep a journal of its proceedings and publish them ; and yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journals.

Sec. 10. Any two members of either house shall have liberty to dissent from and protest against any act or resolution which they may think injurious to the public or any individual, and have the reasons of their dissent entered on the journals.

Sec. 11. Each house may determine the rule of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member, but not a second time for the same cause, and shall have all other powers necessary for a branch of the legislature of a free and independent state.

Sec. 12. When vacancies happen in either house, the governor, or the person exercising the power of the governor shall issue writs of election to fill such vacancies.

Sec. 13. Senators and representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same, and for any speech

or debate in either house, they shall not be questioned in any other place.

Sec. 14. Each house may punish by imprisonment during their session, any person not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in their presence, provided such imprisonment shall not, at any one time, exceed twenty-four hours.

Sec. 15. The doors of each house and of committees of the whole, shall be kept open, except in such cases as in the opinion of the house require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

Sec. 16. Bills may originate in either house, but may be altered, amended or rejected by the other.

Sec. 17. Every bill shall be read on three different days in each house, unless in case of urgency three-fourths of the house where such bill is so depending, shall deem it expedient to dispense with this rule: And every bill having passed both houses, shall be signed by the speakers of their respective houses.

Sec. 18. The style of the laws of this state shall be, "*Be it enacted by the general assembly of the state of Ohio.*"

Sec. 19. The legislature of this state shall not allow the following officers of government greater annual salaries than as follows, until the year one thousand eight hundred and eight, to-wit: The governor not more than one thousand dollars; the judges of the supreme court not more than one thousand dollars each; the presidents of the courts of common pleas not more than eight hundred dollars each; the secretary of state not more than five hundred dollars; the auditor of public accounts not more than seven hundred and fifty dollars; the treasurer not more than four hundred and fifty dollars. No member of the legislature shall receive more than two dollars per day, during his attendance on the leg-

islature, nor more for every twenty-five miles he shall travel in going to and returning from the general assembly.

Sec. 20. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this state which shall have been created, or the emoluments of which shall have been increased during such time.

Sec. 21. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

Sec. 22. An accurate statement of the receipts and expenditures of the public money, shall be attached to and published with the laws annually.

Sec. 23. The house of representatives shall have the sole power of impeaching, but a majority of all the members must concur in an impeachment; all impeachments shall be tried by the senate, and when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence; no person shall be convicted without the concurrence of two-thirds of all the senators.

Sec. 24. The governor and all other civil officers under this state, shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, profit or trust, under this state. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Sec. 25. The first session of the general assembly shall commence on the first Tuesday of March next, and forever after the general assembly shall meet on the first Monday of December, in every year and at no other period, unless directed by law or provided for by this constitution.

Sec. 26. No judge of any court of law or equity, secretary of state, attorney general, register, clerk of any court of record, sheriff or collector, member of either house of congress, or person holding any office under the authority of

the United States, or any lucrative office under the authority of this state (provided that appointments in the militia or justices of the peace shall not be considered lucrative offices) shall be eligible as a candidate for, or have a seat in the general assembly.

Sec. 27. No person shall be appointed to any office within any county, who shall not have been a citizen and inhabitant therein, one year next before his appointment, if the county shall have been so long erected, but if the county shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

Sec. 28. No person who heretofore hath been or hereafter may be, a collector or holder of public moneys, shall have a seat in either house of the general assembly, until such person shall have accounted for and paid into the treasury, all sums for which he may be accountable or liable.

ARTICLE II.

Sec. 1. The supreme executive power of this state shall be vested in a governor.

Sec. 2. The governor shall be chosen by the electors of the members of the general assembly on the second Tuesday of October, at the same places and in the same manner that they shall respectively vote for members thereof. The returns of every election for governor shall be sealed up and transmitted to the seat of government by the returning officers, directed to the speaker of the senate, who shall open and publish them in the presence of a majority of the members of each house of the general assembly; the person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections for governor shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

Sec. 3. The first governor shall hold his office until the

first Monday of December, one thousand eight hundred and five, and until another governor shall be elected and qualified to office, and forever after the governor shall hold his office for the term of two years, and until another governor shall be elected and qualified, but he shall not be eligible more than six years in any term of eight years. He shall be at least thirty years of age, and have been a citizen of the United States twelve years and an inhabitant of this state four years next preceding his election.

Sec. 4. He shall, from time to time, give to the general assembly information of the state of the governor, and recommend to their consideration such measures as he shall deem expedient.

Sec. 5. He shall have the power to grant reprieves and pardons after conviction, except in cases of impeachment.

Sec. 6. The governor shall at stated times receive for his services a compensation which shall neither be increased nor diminished during the term for which he shall have been elected.

Sec. 7. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Sec. 8. When any officer, the right of whose appointment is by this constitution, vested in the general assembly, shall during the recess die, or his office by any means become vacant, the governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the legislature.

Sec. 9. He may, on extraordinary occasions, convene the general assembly by proclamation and shall state to them, when assembled, the purposes for which they shall have been convened.

Sec. 10. He shall be commander in chief of the army and navy of this state, and of the militia except when they shall be called into the service of the United States.

Sec. 11. In case of disagreement between the two houses with respect to the time of adjournment, the governor shall have the power to adjourn the general assembly to such time as he thinks proper, provided it be not a period beyond the annual meeting of the legislature.

Sec. 12. In case of the death, impeachment, resignation or removal of the governor from office, the speaker of the senate shall exercise the office of governor, until he be acquitted or another governor shall be duly qualified. In case of the impeachment of the speaker of the senate, or his death, removal from office, resignation or absence from the state, the speaker of the house of representatives shall succeed to the office and exercise the duties thereof, until a governor shall be elected and qualified.

Sec. 13. No member of congress or person holding any office under the United States, or this state, shall execute the office of governor.

Sec. 14. There shall be a seal of this state, which shall be kept by the governor and used by him officially, and shall be called "*The Great Seal of the State of Ohio.*"

Sec. 15. All grants and permissions shall be in the name and by the authority of the state of Ohio, sealed with the seal, signed by the governor, and countersigned by the secretary.

Sec. 16. A secretary of state shall be appointed, by a joint ballot of the senate and house of representatives, who shall continue in office three years, if he shall so long behave himself well; he shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto, before either branch of the legislature, and shall perform such other duties as shall be assigned him by law.

ARTICLE III.

Sec. 1. The judicial power of this state, both as to matters of law and equity, shall be vested in a supreme court,

in courts of common pleas for each county, in justices of the peace, and in such other courts as the legislature may, from time to time, establish.

Sec. 2. The supreme court shall consist of three judges, any two of whom shall be a quorum. They shall have original and appellate jurisdiction, both in common law and chancery, in such cases as shall be directed by law: *Provided*, that nothing herein contained shall prevent the general assembly from adding another judge to the supreme court after the term of five years, in which case the judges may divide the state into two circuits, within which any two of the judges may hold a court.

Sec. 3. The several courts of common pleas shall consist of a president and associate judges. The state shall be divided, by law, into three circuits; there shall be appointed in each circuit a president of the courts, who during his continuance in office, shall reside therein. There shall be appointed in each county, not more than three nor less than two associate judges, who during their continuance in office, shall reside therein. The president and associate judges, in their respective counties, any three of whom shall be a quorum, shall compose the court of common pleas, which court shall have common law and chancery jurisdiction in all such cases as shall be directed by law: *Provided*, that nothing herein contained shall be construed to prevent the legislature from increasing the number of circuits and presidents, after the term of five years.

Sec. 4. The judges of the supreme court and courts of common pleas, shall have complete criminal jurisdiction, in such cases and in such manner as may be pointed out by law.

Sec. 5. The court of common pleas in each county shall have jurisdiction of all probate and testamentary matters, granting administration, the appointment of guardians, and such other cases as shall be prescribed by law.

Sec. 6. The judges of the court of common pleas, shall, within their respective counties, have the same powers with the judges of the supreme court, to issue writs of *certiorari* to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

Sec. 7. The judges of the supreme court shall, by virtue of their offices, be conservators of the peace throughout the state. The presidents of the court of common pleas shall, by virtue of their offices be conservators of the peace in their respective circuits, and the judges of the court of common pleas shall, by virtue of their offices, be conservators of the peace in their respective counties.

Sec. 8. The judges of the supreme court, the presidents and the associate judges of the courts of common pleas, shall be appointed by a joint ballot of both houses of the general assembly, and shall hold their offices for the term of seven years, if so long they behave well. The judges of the supreme court and the presidents of the courts of common pleas shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office, but they shall receive no fees or perquisites of office nor hold any other office of profit or trust under the authority of this state or the United States.

Sec. 9. Each court shall appoint its own clerk for the term of seven years, but no person shall be appointed clerk except *pro tempore*, who shall not produce to the court appointing him a certificate from a majority of the judges of the supreme court, that they judge him to be well qualified to execute the duties of the office of clerk to any court of the same dignity with that for which he offers himself. They shall be removable for breach of good behavior, at any time, by the judges of the respective courts.

Sec. 10. The supreme court shall be held once a year in each county, and the courts of common pleas shall be

holden in each county at such times and places as shall be prescribed by law.

Sec. 11. A competent number of justices of the peace shall be elected by the qualified electors in each township in the several counties, and shall continue in office three years, whose powers and duties shall, from time to time, be regulated and defined by law.

Sec. 12. The style of all process shall be, "*The state of Ohio.*" All prosecutions shall be carried on in the name and by the authority of the state of Ohio, and all indictments shall conclude against the peace and dignity of the same.

ARTICLE IV.

Sec. 1. In all elections, all white male inhabitants, above the age of twenty-one years, having resided in the state one year next preceding the election, and who have paid or are charged with a state or county tax, shall enjoy the right of an elector, but no person shall be entitled to vote except in the county or district in which he shall actually reside at the time of the election.

Sec. 2. All elections shall be by ballot.

Sec. 3. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning from the same.

Sec. 4. The legislature shall have full power to exclude from the privilege of electing or of being elected any person convicted of bribery, perjury or any other infamous crime.

Sec. 5. Nothing contained in this article shall be so construed as to prevent white male persons above the age of twenty-one years, who are compelled to labor on the roads of their respective townships or counties, and who have resided one year in the state, from having the right of an elector.

ARTICLE V.

Sec. 1. Captains and subalterns in the militia shall be elected by those persons in their respective company districts, subject to military duty.

Sec. 2. Majors shall be elected by the captains and subalterns of the battalion.

Sec. 3. Colonels shall be elected by the majors, captains and subalterns of the regiment.

Sec. 4. Brigadiers-general shall be elected by the commissioned officers of their respective brigades.

Sec. 5. Majors-general and quartermasters-general shall be appointed by joint ballot of both houses of the legislature.

Sec. 6. The governor shall appoint the adjutant general. The majors-general shall appoint their aids and other division staff officers. The brigadiers-general shall appoint their brigade majors and other brigade staff officers. The commanding officers of regiments shall appoint their adjutants, quartermasters and other regimental staff officers; and the captains and subalterns shall appoint their non-commissioned officers and musicians.

Sec. 7. The captains and subalterns of the artillery and cavalry shall be elected by the persons enrolled in their respective corps, and the majors and colonels shall be appointed in such manner as shall be directed by law. The colonels shall appoint their regimental staff and the captains and subalterns their non-commissioned officers and musicians.

ARTICLE VI.

Sec. 1. There shall be elected in each county one sheriff and one coroner, by the citizens thereof who are qualified to vote for members of the assembly; they shall be elected at the time and place of holding elections for members of assembly; they shall continue in office two years, if they shall so long behave well, and until successors be chosen and duly qualified: *Provided*, That no person shall be eligible as sheriff for a longer term than four years in any term of six years.

Sec. 2. The state treasurer and auditor shall be triennially appointed by a joint ballot of both houses of the legislature.

Sec. 3. All town and township officers shall be chosen annually, by the inhabitants thereof, duly qualified to vote

for members of the assembly, at such time and place as may be directed by law.

Sec. 4. The appointment of all civil officers, not otherwise directed by this constitution, shall be made in such manner as may be directed by law.

ARTICLE VII.

Sec. 1. Every person who shall be chosen or appointed to any office of trust or profit, under the authority of this state shall, before the entering on the execution thereof, take an oath or affirmation to support the constitution of the United States and of this state, and also an oath of office.

Sec. 2. Any elector who shall receive any gift or reward for his vote, in meat, drink, money or otherwise, shall suffer such punishment as the laws shall direct; and any person who shall directly or indirectly give, promise or bestow any such reward to be elected, shall thereby be rendered incapable, for two years, to serve in the office for which he was elected, and be subject to such other punishment as shall be directed by law.

Sec. 3. No new county shall be established by the general assembly, which shall reduce the county or counties, or either of them from which it shall be taken, to less contents than four hundred square miles, nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken, until entitled by numbers to the right of representation.

Sec. 4. Chillicothe shall be the seat of government until the year one thousand eight hundred and eight. No money shall be raised until the year one thousand eight hundred and nine, by the legislature of this state, for the purpose of erecting public buildings for the accommodation of the legislature.

Sec. 5. That after the year one thousand eight hundred and six, whenever two-thirds of the general assembly shall think it necessary to amend or change this constitution, they

shall recommend to the electors, at the next election for members to the general assembly, to vote for or against a convention; and if it shall appear that a majority of the citizens of the state, voting for representatives, have voted for a convention, the general assembly shall at their next session call a convention, to consist of as many members as there be in the general assembly, to be chosen in the same manner, at the same place and by the same electors that choose the general assembly, who shall meet within three months after the said election, for the purpose of revising, amending or changing the constitution: But no alteration of this constitution shall ever take place so as to introduce slavery or involuntary servitude into this state.

Sec. 6. That the limits and boundaries of this state be ascertained, it is declared, that they are hereafter mentioned, that is to say—bounded on the east side by the Pennsylvania line; on the south by the Ohio river to the mouth of the Great Miami river; on the west by the line drawn due north from the mouth of the great Miami aforesaid; and on the north by an east and west line drawn through the southerly extreme of Lake Michigan, running east after intersecting the due north line aforesaid, from the mouth of the Great Miami until it shall intersect Lake Erie or the territorial line, and thence with the same through Lake Erie to the Pennsylvania line aforesaid: *Provided always*, and it is hereby fully understood and declared by this convention, that if the southerly bend or extreme of Lake Michigan should extend so far south that a line drawn due east from it should not intersect Lake Erie, or if it should intersect the said Lake Erie, east of the mouth of the Miami river of the Lake, then and in that case, with the assent of the congress of the United States, the northern boundary of this state shall be established by and extended to a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami Bay, after intersecting the due north line from the mouth of the great Miami river as aforesaid,

thence northeast to the territorial line, and by the said territorial line to the Pennsylvania line.

ARTICLE VIII.

That the general, great and essential principles of liberty and free government may be recognized and forever unalterably established, we declare,

Sec. 1. That all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; and, every free, republican government being founded on their sole authority, and organized for the great purpose of protecting their rights and liberties and securing their independence to effect these ends, they have at all times a complete power to alter, reform or abolish their government, whenever they may deem it necessary.

Sec. 2. There shall be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, or female person arrived at the age of eighteen years, be held to serve any person as a servant, under pretense of indenture or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a *bona fide* consideration, received or to be received for their service, except as before excepted. Nor shall any indenture of any negro or mulatto hereafter made and executed out of the state, or if made in the state where the term of service exceeds one year, be of the least validity, except those given in the case of apprenticeships.

Sec. 3. That all men have a natural and indefeasible right to worship Almighty God, according to the dictates of conscience; that no human authority can in any case whatever, control or interfere with the rights of conscience; that no man shall be compelled to attend, erect or support any place

of worship, or to maintain any ministry against his consent, and that no preference shall ever be given, by law, to any religious society or mode of worship, and no religious test shall be required as a qualification to any office of trust or profit. But religion, morality and knowledge being essentially necessary to good government and the happiness of mankind, schools and the means of instruction shall forever be encouraged by legislative provision, not inconsistent with the rights of conscience.

Sec. 4. Private property ought and shall ever be held inviolate, but always subservient to the public welfare, provided a compensation in money be made to the owner.

Sec. 5. That the people shall be secure in their persons, houses, papers and possessions from unwarrantable searches and seizures, and that general warrants, whereby an officer may be commanded to search suspected places, without probable evidence of the fact committed, or to seize any person or persons not named, whose offenses are not particularly described, and without oath or affirmation, are dangerous to liberty and shall not be granted.

Sec. 6. That the printing presses shall be open and free to every citizen who wishes to examine the proceedings of any branch of government, or the conduct of any public officer, and no law shall ever restrain the right thereof. Every citizen has an indisputable right to speak, write or print upon any subject as he thinks proper, being liable for the abuse of that liberty. In prosecutions, for any publication respecting the official conduct of men in a public capacity, or where the matter published is proper for public information, the truth thereof may always be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court as in other cases.

Sec. 7. That all courts shall be open, and every person for an injury done him in his lands, goods, person or repu-

tation shall have remedy by the due course of law, and right and justice administered without denial or delay.

Sec. 8. That the right of trial by jury shall be inviolate.

Sec. 9. That no power of suspending laws shall be exercised unless by the legislature.

Sec. 10. That no person arrested or confined in jail shall be treated with unnecessary rigor, or be put to answer any criminal charge, but by presentment, indictment or impeachment.

Sec. 11. That in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or presentment a speedy public trial by an impartial jury of the county or district in which the offense shall have been committed, and shall not be compelled to give evidence against himself, nor shall he be twice put in jeopardy for the same offense.

Sec. 12. That all persons shall be bailable by sufficient sureties, unless for capital offenses, where the proof is evident or the presumption great, and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it.

Sec. 13. Excessive bail shall not be required; excessive fines shall not be imposed, nor cruel and unusual punishments inflicted.

Sec. 14. All penalties shall be proportioned to the nature of the offense. No wise legislature will affix the same punishment to the crime of theft, forgery and the like, which they do to those of murder and treason. When the same undistinguished severity is exerted against all offenses, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offenses. For the same

reasons a multitude of sanguinary laws are both impolitic and unjust; the true design of all punishments being to reform, not to exterminate mankind.

Sec. 15. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

Sec. 16. No *ex post facto* law, nor any law impairing the validity of contracts, shall ever be made, and no conviction shall work corruption of blood nor forfeiture of estate.

Sec. 17. That no person shall be liable to be transported out of this state for any offense committed within the state.

Sec. 18. That a frequent recurrence to the fundamental principles of civil government, is absolutely necessary to preserve the blessings of liberty.

Sec. 19. That the people have a right to assemble together, in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances.

Sec. 20. That the people have a right to bear arms for the defense of themselves and the state, and as standing armies in time of peace are dangerous to liberty, they shall not be kept up, and that the military shall be kept under strict subordination to the civil power.

Sec. 21. That no person in this state, except such as are employed in the army or navy of the United States, or militia in actual service, shall be subject to corporal punishment under the military law.

Sec. 22. That no soldiers in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in the manner prescribed by law.

Sec. 23. That the levying taxes by the poll is grievous and oppressive, therefore, the legislature shall never levy a poll tax for county or state purposes.

Sec. 24. That no hereditary emoluments, privileges or honors, shall ever be granted or conferred by this state.

Sec. 25. That no law shall be passed to prevent the poor in the several counties and townships within this state, from an equal participation in the schools, academies, colleges and universities within this state, which are endowed, in whole or in part, from the revenue arising from donations made by the United States for the support of schools and colleges, and the doors of the said schools, academies and universities, shall be open for the reception of scholars, students and teachers of every grade, without any distinction or preference whatever, contrary to the intent for which said donations were made.

Sec. 26. That laws shall be passed by the legislature, which shall secure to each and every denomination of religious societies in each surveyed township which now is, or may hereafter be, formed in the state, an equal participation, according to the number of adherents, of the profits arising from the land granted by congress for the support of religion, agreeably to the ordinance or act of congress making the appropriation.

Sec. 27. That every association of persons, when regularly formed within this state, and having given themselves a name, may, on application to the legislature, be entitled to receive letters of incorporation, to enable them to hold estates, real and personal, for the support of their schools, academies, colleges, universities, and for other purposes.

Sec. 28. To guard against the transgressions of the high powers which we have delegated, we declare, that all powers, not hereby delegated, remain with the people.

SCHEDULE.

Sec. 1. That no evils or inconveniences may arise from the change of a territorial government to a permanent state government, it is declared by this convention, that all rights, suits, actions, prosecutions, claims and contracts, both as it respects individuals and bodies corporate, shall

continue as if no change had taken place in this government.

Sec. 2. All fines, penalties and forfeitures, due and owing to the territory of the United States northwest of the river Ohio, shall inure to the use of the state. All bonds executed to the governor or any other officer in his official capacity, in the territory, shall pass over to the governor or the other officers of the state and their successors in office, for the use of the state, or by him or them to be respectively assigned over to the use of those concerned, as the case may be.

Sec. 3. The governor, secretary and judges, and all other officers under the territorial government, shall continue in the exercise of the duties of their respective departments, until the said offices are superseded under the authority of this constitution.

Sec. 4. All laws and parts of laws now in force in this territory, not inconsistent with this constitution, shall continue and remain in full effect until repealed by the legislature, except so much of the act, entitled, "An act, regulating the admission and practice of attorneys and counselors at law;" and of the act made amendatory thereto, as relates to the term of time which the applicant shall have studied law, his residence within the territory and the term of time which he shall have practiced as an attorney at law, before he can be admitted to the degree of a counsellor at law.

Sec. 5. The governor of the state shall make use of his private seal, until the state seal be procured

Sec. 6. The president of the convention shall issue writs of election to the sheriffs of the several counties, requiring them to proceed to the election of a governor, members of the general assembly, sheriffs, and coroners, at the respective election districts in each county, on the second Tuesday of January next, which elections shall be conducted in the manner prescribed by the existing election laws of this

territory, and the members of the general assembly, sheriffs and coroners, then elected, shall continue to exercise the duties of their respective offices until the next annual or biennial election thereafter, as prescribed in this constitution, and no longer.

Sec. 7. Until the first enumeration shall be made as directed in the second section of the first article of this constitution: The county of Hamilton shall be entitled to four senators and eight representatives. The county of Clermont, one senator and two representatives. The county of Adams, one senator and three representatives. The county of Ross, two senators and four representatives. The county of Fairfield, one senator and two representatives. The county of Washington, two senators and three representatives. The county of Belmont, one senator and two representatives. The county of Jefferson, two senators and four representatives; and the county of Trumbull, one senator and two representatives.

Done in convention at Chillicothe, the 29th day of November, in the year of our Lord, one thousand eight hundred and two, and of the independence of the United States of America the twenty-seventh.

In testimony whereof, we have hereunto subscribed our names.

EDWARD TIFFIN,

President and representative from the county of Ross.

Joseph Darlinton,	}	Adams county.
Israel Donalson,		
Thomas Kirker,		
James Caldwell,	}	Belmont county.
Elijah Woods,		
Philip Gatch,	}	Clermont county.
James Sargeant,		

Henry Abrams,	}	Fairfield county.
Emanuel Carpenter,		
John W. Browne,	}	Hamilton county.
Charles Willing Byrd,		
Francis Dunlavy,		
William Goforth,		
John Kitchel,		
Jeremiah Morrow,		
John Paul,		
John Reily,		
John Smith,		
John Wilson,	}	Jefferson county.
Rudolph Bair		
George Humphrey,		
John Milligan,		
Nathan Updegraff,		
Bazaleel Wells,	}	Ross county.
Michael Baldwin,		
James Grubb,		
Nathaniel Massie,		
Thomas Worthington,	}	Trumbull county.
David Abbot,		
Samuel Huntington,	}	Washington county.
Ephriam Cutler,		
Benjamin Ives Gilman,		
John McIntire,		
Rufus Putnam,		

Attest,

THOMAS SCOTT,
Secretary.

ACTS

Of the General Assembly of the State of Ohio.

First session, begun and held at Chillicothe, in the county of Ross, on Tuesday the first day of March, A. D. 1803, being the first session of the general assembly, held under the constitution of the said state.

LAWS, ETC.

CHAPTER I.

An act allowing compensation to the officers of the general assembly.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That there shall be allowed to the clerk of the senate, for each and every day's service, while executing his office as clerk to the senate, the sum of four dollars, and to the clerk of the house of representatives, the sum of four dollars, for each and every day while engaged in the business as a clerk to the house of representatives, and that the sum of one dollar and fifty cents be allowed to the doorkeeper of each house, for each and every day they shall officiate in that capacity.

Compensation to the clerk of the senate, the house of representatives.

To door keepers.

Former
law re-
pealed.

Sec. 2. *And be it further enacted*, That so much of the act, entitled, "An act allowing compensation to the members of the legislative council and house of representatives and to the officers of both houses, together with the treasurer and the auditor of the territory," as comes within the purview of this act, be, and the same is hereby repealed.

Com-
mence-
ent.

Sec. 3. *Be it further enacted*, That this act shall take effect and be in force, from and after the passage thereof.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

March 14th, 1803.

CHAPTER II.

An act to provide for the commissioning of certain officers.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That each judge of the supreme court, president or associate judge of the common pleas, sheriff, coroner, auditor or state treasurer, militia officer, or justice of the peace, and every officer created by law and not otherwise provided for, shall be entitled to receive from the governor a commission to fill such office, upon producing to the secretary of state, a legal certificate of his being duly elected or appointed.

Judges,
etc., to
be com-
mission-
ed.

Certifi-
cates to be
produced
to the sec-
retary of
state.

MICHAEL BALDWIN,
Speaker of the house of representatives.

SAM. HUNTINGTON,
Speaker of the senate pro tem.

March 23d, 1803.

CHAPTER III.

An act to establish the county of Scioto.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That all that tract of country, comprehended in the following boundaries, be, and the same is hereby erected into a county by the name of the county of Scioto, to-wit: Beginning on the Ohio, one mile on a straight line below the mouth of the lower Twin creek; thence north to Ross county line; thence east with said county line to the line of Washington county; thence south with said line to the Ohio; thence with the Ohio to the place of beginning.

Boundaries of the county of Scioto.

Sec. 2. *And be it further enacted,* That all actions, suits and prosecutions, now pending in the county of Adams, shall be determined in the said court; and that all fines, forfeitures and public dues, which have incurred to or which are due and owing to the county of Adams, shall be collected by the sheriff or collector of the said county, in the same manner as though no division had taken place.

Actions, etc., pending, to be determined in Adams county.

Collections, etc., to be made as though this act had not been passed.

Sec. 3. *And be it further enacted,* That until a permanent seat of justice shall be fixed in the county of Scioto, by commissioners for that purpose, Alexandria shall be the tempo-

Alexandria, temporary seat of justice.

rary seat of justice, and courts held at the house of John Collins.

Sec. 4. *And be it further enacted*, That this act shall take effect and be in force, from and after the first day of May next.

Commence-
ment of
this act.

MICHAEL BALDWIN,
Speaker of the house of representatives.

SAM. HUNTINGTON,
Speaker pro tem. of the senate.

March 24th, 1803.

CHAPTER IV.

An act for the division of the counties of Hamilton and Ross.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That all that part of the county of Hamilton included within the following bounds, viz: Beginning at the northeast corner of the county of Clermont, running thence west with the line of said county to the little Miami; thence up the same, with the meanders thereof, to the north boundary of the first tier of sections in the second entire range of townships in the Miami purchase; thence west to the northeast corner of section

Boundaries
of the
county of
Warren.

number seven, in the third township of the aforesaid range; thence north to the great Miami; thence up the same to the middle of the fifth range of townships; thence east to Ross county line; thence with the same south to the place of beginning, shall compose one new county, to be called and known by the name of Warren.

Boundaries
of the
county of
Butler.

Sec. 2. *And be it further enacted*, That all that part of the county of Hamilton included within the following bounds, viz: Beginning at the southwest corner of the county of Warren, running thence west to the state line; thence with the same north to a point due west from the middle of the fifth range of townships in the Miami purchase; thence east to the northwest corner of the aforesaid county of Warren; thence bounded by the west line of the said county of Warren to the place of beginning, shall compose a second new county, called and known by the name of Butler.

Boundaries
of the
county of
Montgomery.

Sec. 3. *And be it further enacted*, That all that part of the county of Hamilton included within the following boundaries, viz: Beginning on the state line at the northwest corner of the county of Butler; thence east with the lines of Butler and Warren to the east line of section number sixteen in the third township and fifth range; thence north eighteen miles; thence east two miles; thence north to the

state line; thence with the same to the west boundary of the state; thence south with the said boundary to the beginning, shall compose a third new county, called and known by the name of Montgomery.

Sec. 4. *And be it further enacted*, That all that part of the county of Hamilton and Ross included in the following bounds, viz: Beginning at the southeast corner of the county of Montgomery, running thence east to Ross county line, and the same course continued eight miles into the said county of Ross; thence north to the state line; thence westwardly with the same to the east line of Montgomery county; thence bounded by the said line of Montgomery to the beginning, shall compose a fourth new county, called and known by the name of Green.

Bound-
aries of
the county
of Green.

Sec. 5. *And be it further enacted*, That it shall be lawful for the coroners, sheriffs, constables and collectors of the counties of Hamilton and Ross to make distress for all dues and officers' fees unpaid by the inhabitants within the bounds of any of the said new counties, at the time such division shall take place, and they shall be accountable in like manner as if this act had not been passed; and the courts of Hamilton and Ross counties shall have jurisdiction in all actions and suits pending therein at the time of said divisions, and they shall

Sheriffs,
etc., to
make dis-
tress for
dues un-
paid by
the inhab-
itants of
the new
counties
at the time
of the
division.

Courts of
Hamilton
and Ross
counties,
jurisdic-
tion in
cases
pending at
the di-
vision.

try and determine the same, issue process and award execution thereon.

Tempo-
rary seats
of justice
in Warren,
Butler,
Mont-
gomery
and Green.

Sec. 6. *And be it further enacted*, That until permanent seats of justice shall be affixed in the several new counties by commissioners appointed for that purpose, the following places shall be temporary seats of justice, and courts shall be held thereat: In the county of Warren, at the house of Ephriam Harthaway, on Turtle creek; in the county of Butler, at the house of John Turence, in the town of Hamilton; in the county of Montgomery, at the house of George Newcum, in the town of Dayton; for the county of Green, at the house of Owen Davies, on Beaver creek.

Exempt
from tax
for erect-
ing court
houses and
goals.

Sec. 7. *And be it further enacted*, That all the inhabitants of the counties of Montgomery and Green, who live north of the eighth range, shall be exempted from paying any tax for the purpose of erecting court houses and jails in the aforesaid counties of Montgomery and Green.

Com-
mence-
ment.

Sec. 8. *And be it further enacted*, That this act shall commence and be in force, from and after the first day of May next.

MICHAEL BALDWIN,

Speaker of the house of representatives.

SAM. HUNTINGTON,

Speaker pro tem. of the senate.

March 24th, 1803.

CHAPTER V.

An act allowing compensation to the members of the convention who formed the constitution, to their officers and to the members of the general assembly.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That each and every member who attended to form the constitution of the state of Ohio, shall be entitled to and receive for each and every day's attendance, the sum of two dollars, and shall also be allowed two dollars for every twenty-five miles of the estimated distance, going and returning by the most usual road from his place of residence to the seat of government

Compensation to the members of the convention.

Sec. 2. *And be it further enacted,* That each and every member of the senate and house of representatives, shall be entitled to and receive for each and every day's attendance, on the business of legislation, the sum of two dollars, and shall also be allowed two dollars for every twenty-five miles of the estimated distance, by the most usual road from his place of residence, to the seat of the general assembly and returning from the same.

Compensation to the members of the senate and house of representatives.

Sec. 3. *And be it further enacted,* That there shall be paid to each clerk of the conven-

Compensa-

tion to the
clerks of
the con-
vention
and door-
keeper.

tion the sum of three dollars, for each and every day they were employed in the business of the convention respectively, and there shall be allowed and paid to the door keeper of the convention, the sum of one dollar and fifty cents, for each and every day's attendance on said convention.

Compensation due to the members, etc., of the convention, to be certified by the president.

To the general assembly by their respective speakers.

Evidence to the auditor, who shall issue certificates payable at the treasury.

Sec. 4. *And be it further enacted*, That the compensation which shall be due to the members and officers of the convention, shall be certified by the president thereof; and that which shall be due to the members of the senate and house of representative, shall be certified by their respective speakers, which certificates shall be to the auditor sufficient evidence of claim, and the auditor shall thereupon issue certificates to the several members and other officers of the convention and of this general assembly, payable at the treasury of the state or the treasurer (as the case may be), shall pay off the said claims with any money which may be in the treasury.

MICHAEL BALDWIN,
Speaker of the house of representatives.

SAM HUNTINGTON,
• Speaker pro tem. of the senate.

March 24th, 1803.

CHAPTER VI.

An act for the erecting a part of the counties of Jefferson and Washington into a separate county, by the name of Columbiana.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That all that part of the counties of Jefferson and Washington as comes within the following boundaries, be, and the same is hereby laid off and erected into a separate county, which shall be known by the name of Columbiana: Beginning at the mouth of Yellow creek, on the north side of the same; thence up said creek, with the meanders thereof, to the northern boundary of the eighth township in the second range; thence with the same west, to the western boundary of the seventh range; thence north, to the northwest corner of the sixteenth township in the said seventh range; thence west, on the south boundary of the ninth township, in the eighth and ninth ranges to the Muskingum river; thence up the said river, with the meanders thereof, to the southern boundary of the county of Trumbull; thence with the same east, to the Pennsylvania line; thence with the said line south, to the Ohio river; thence down the same, with the meanders thereof, to the beginning.

Boundaries
of the
county of
Colum-
biana.

Com-
mence-
ment.

Actions,
etc., pend-
ing in Jef-
ferson and
Washing-
ton, to be
prose-
cuted as if
this act
had not
been pas-
sed.

Sec. 2. *And be it further enacted,* That from and after the first day of May next, the said county shall be vested with all the powers, privileges and immunities of a separate and distinct county: *Provided always,* That all actions and suits which may be pending in the counties of Jefferson and Washington, on the said first day of May next, shall be prosecuted and carried on to final judgment and execution; and all taxes, fees, fines and forfeitures, which shall be then due, shall be collected in the same manner as if this act had never been passed.

Tempo-
rary seat
of justice.

Sec. 3. *And be it further enacted,* That until a permanent seat of justice be fixed in the said county, by commissioners appointed for that purpose, the temporary seat of justice shall be at the house of Matthias Lowrey, in the twelfth township and second range; and courts shall be held thereat, in and for the county of Columbiana aforesaid.

MICHAEL BALDWIN,
Speaker of the house of representatives.

SAM. HUNTINGTON,
Speaker pro tem. of the senate.

March 25th, 1803.

CHAPTER VII.

An act designating the duties of the secretary of state.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That all commissions required by law to be issued by the governor, shall be countersigned by the secretary of state, who is also required to make a register of each commission, specifying the person to whom it is granted, the office conferred, and the date and tenure of such commission in a book to be provided and kept for that particular purpose.

Commissions to be countersigned by the secretary of state, who is to keep a register of each commission, etc.

Sec. 2. *And be it further enacted,* That the secretary of state shall procure a seal, two inches in diameter, for the use of the state; a seal of the supreme court, for each clerk thereof that may be appointed, of one inch and three-fourths in diameter; and also one other seal, one inch and a half diameter, for the use of each and every county now or hereafter to be created; on which seals shall be engraved the following device: On the right side, near the bottom, a sheaf of wheat, and on the left a bundle of seventeen arrows, both standing erect, in the back ground, and rising above the sheaf and arrows a mountain, over which shall appear a rising sun. The state seal to be

To procure seals.

Device.

The expense to be audited and paid out of the state treasury.

surrounded by these words, "The great seal of the state of Ohio." The seal of the supreme court, with these words: "The supreme court of the state of Ohio;" and the county seal with these words, "Common pleas of the county of ———," the expense of said seals to be audited by the auditor and paid out of the state treasury.

Duties the same as the secretary of the territory, except as in the fifth section of the act defining his duties.

Sec. 3. *And be it further enacted*, That the several duties required of the secretary of the territory, by an act, entitled, "An act defining and regulating the duties of the secretary of the territory, "excepting that contained in the fifth section of the said act, shall and the same are hereby required do be performed by the secretary of state.

MICHAEL BALDWIN,
Speaker of the house of representatives.

SAM. HUNTINGTON,
Speaker pro tem. of the senate.

March 25th, 1803.

CHAPTER VIII.

An act for the division of the county of Washington.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That all that part of the county of Washington, included within the following boundaries, viz: Beginning at the mouth of Shade river, thence up the same, with the meanders thereof, until it intersects the east and west line between the third and fourth townships in the eleventh range; thence west with the same to the east boundary of Ross county; thence south with the same, to the northeast corner of the county of Adams; thence with the easterly boundary of the same to the Ohio river; thence up the same, with the meanders thereof, to the place of beginning, shall compose a new county called and known by the name of Gallia.

Bound-
aries of
Gallia
county.

Sec. 2. *And be it further enacted,* That it shall be lawful for coroners, sheriffs, constables and collectors, of the county of Washington, to make distress for all dues and officers' fees unpaid by the inhabitants within the bounds of the said new county of Gallia, at the time such division shall take place, and they shall be accountable in like manner as if this act had not been passed, and the courts of the county of Washington shall have juris-

Sheriffs,
etc., to
make dis-
tress for
dues, etc.,
unpaid at
the division.

diction in all actions and suits pending therein at the time of said division, and they shall try and determine the same, issue process and award execution thereon.

Gallipolis
the tem-
porary
seat of
justice.

Sec. 3. *And be it further enacted*, That the temporary seat of justice shall be and hereby is established on the public square, in the town of Gallipolis, until the permanent seat is fixed by commissioners, as the law may direct.

Com-
mence-
ment of
this act.

Sec. 4. *And be it further enacted*, That this act shall commence and be in force, from and after the thirtieth day of April next.

MICHAEL BALDWIN,
Speaker of the house of representatives.

SAM. HUNTINGTON,
Speaker pro tem. of the senate.

March 25th, 1803.

CHAPTER IX.

An act for the relief of Isaac Helmick.

Whereas, it hath been represented to this general assembly, that Isaac Helmick, of the county of Jefferson, having no knowledge that there was in force an act requiring town plats to be recorded previous to the sale of the lots therein contained, did incur the penalties of said act by selling twenty lots, in the town of New Salem, and it hath appeared that the said Isaac did proceed to have the plat of said town recorded on the fourth day after his first sale of lots in said town. Preamble.

Be it therefore enacted by the general assembly of the state of Ohio, That the said Isaac Helmick be, and he hereby is released from all the penalties and forfeitures incurred by reason of his neglect in not having the plat of the said town of New Salem recorded, as directed by the act, entitled, "An act to provide for the recording of town plats:" *Provided,* That nothing herein contained shall be construed to exonerate or discharge the said Isaac from any action or actions, which may be instituted for the recovery of said penalties and forfeitures, before the passing of this act. Released from certain penalties and forfeitures.

Proviso.

MICHAEL BALDWIN,
Speaker of the house of representatives.

SAM. HUNTINGTON,
Speaker pro tem. of the senate.

March 28th, 1803.

CHAPTER X.

An act establishing seats of justice.

Three
commis-
sioners ap-
pointed.

Their duty.

To be noti-
fied.

Qualifica-
tion of
commis-
sioners.

Sec. 1. *Be it enacted by the general as-
sembly of the state of Ohio*, That for each new
county established during the present or any
future session of the legislature, three commis-
sioners shall be appointed by a resolution of
both branches of the legislature, whose duty
it shall be to examine and determine what part
of said county so established, is the most eligi-
ble for holding the several courts within the
said county; and it shall be the duty of the
secretary of state, immediately to notify the
persons of their several appointments.

Sec. 2. *And be it further enacted*, That no
person residing within the county so establish-
ed, or holding any real property within the
same and who has not arrived to the age of
twenty-five years and been a resident one year
within the state, shall be eligible as a commis-
sioner.

Sec. 3. *And be it further enacted*, That the

commissioners, or any two of them, within sixty days after the notification of their appointment, shall assemble at some convenient place in that county where the seat of justice is to be established, giving twenty days' notice, posted up in three of the most public places in said county, notifying the inhabitants thereof of the time, place and purport of their meeting; and the said commissioners when assembled, and having taken an oath or affirmation before a magistrate to faithfully discharge the duties assigned them by this act, shall proceed to examine and select the most proper place as the seat of justice, as near the center of the county as possible, paying regard to the situation, extent of population and quality of the land, together with the general convenience and interest of the inhabitants.

To give notice to the inhabitants of the county.

To take oath.

To fix the seat of justice.

Sec. 4. *And be it further enacted*, That the commissioners, after having agreed upon the place for the seat of justice, shall make report thereof to the next court of common pleas to be held in said county, and if it appears that no town has been previously laid off at the place agreed on by the commissioners, the court shall appoint a director, who, after giving sufficient surety for his faithful performance, shall be fully authorized to purchase the land of the proprietor or proprietors, for the use and behoof of the county,

Report to the court of common pleas.

A director to be appointed to purchase lots, etc.

and proceed to lay off said land into lots, streets and alleys, under such regulations as the court may prescribe; and the said director is hereby further authorized to dispose of the said lots, either at public or private sale, as the court may think proper, and to make a legal conveyance of the same in fee simple to the purchaser: *Provided always*, That the lands thus purchased and laid off into lots, shall not exceed seven hundred acres.

Not to exceed 700 acres,

Proceeds of sale of lots, how applied.

Sec. 5. *And be it further enacted*, That the first proceeds of the sale of lots, shall be applied to the payment of the land and defraying the necessary expenses of laying off the lots; the residue of the money shall be paid into the county treasury.

Where land cannot be purchased, etc., commissioners duty.

Sec. 6. *And be it further enacted*, That if the land agreed on by the commissioners cannot be purchased at a reasonable price, or a good and legal title in fee simple be obtained, the commissioners shall forthwith select the next most eligible place for the seat of justice.

When guilty of corruption.

Sec. 7. *And be it further enacted*, That if the said commissioners shall be guilty of any corruption in discharge of their duty as aforesaid, it shall be lawful for any person or persons who may think himself or themselves

Remedy for persons aggrieved.

aggrieved thereby, to make a true representation thereof to the general assembly the next ensuing, who shall take such order thereon as they may think proper, by appointing new commissioners, or confirming the decision of the first.

Sec. 8. *And be it further enacted,* That if any commissioner shall receive money, or any species of property as a bribe, or be guilty of any mal-conduct in the execution of his office, he shall, on conviction before any court having jurisdiction thereof, forfeit and pay a sum not exceeding one thousand nor less than fifty dollars, for the use of the county.

On conviction of bribery, etc., the penalty.

Sec. 9. *And be it further enacted,* That there shall be paid out of the county treasury, the sum of two dollars per day to each commissioner, while engaged in the business of the county, and to the director, such sum as the court shall allow.

Commissioners and directors, how paid.

MICHAEL BALDWIN,
Speaker of the house of representatives.

SAM. HUNTINGTON,
Speaker pro tem. of the senate.

March 28th, 1803.

CHAPTER XI.

An act to establish the county of Franklin.

Bound-
aries of
the
county of
Franklin.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That all that part of the county of Ross, contained within the following boundaries, to-wit: Beginning on the western boundary of the twentieth range of townships east of the Scioto river, at the corner of sections number twenty-four and twenty-five, in the ninth township of the twenty-first range, surveyed by John Matthews; thence west until it intersects the eastern boundary line of Green county; thence north with said line until it intersects the state line; thence eastwardly with the said line to the north-west corner of Fairfield county; thence with the western boundary line of Fairfield to the point of beginning, shall form a separate and distinct county, to be called by the name of Franklin.

Taxes,
etc., to be
collected
as if the
county
had not
been divided.

Sec. 2. *And be it further enacted*, That all taxes and officers' fees which may be due from the inhabitants of the said county of Franklin to the county of Ross, at the commencement of this act, shall be collected and paid in like manner, as if the said county had not been divided, and the same proceedings shall be had in all process, judgments and ex-

ecutions which may be pending in the said county of Ross at the commencement of this act, as would have taken place had it never been passed.

Sec. 3. *And be it further enacted,* That courts for the said county of Franklin shall be holden in the town of Franklinton until a permanent seat of justice be established therein, agreeably to the provisions of the act, entitled, "An act establishing seats of justice."

Franklin-
ton seat
of justice
until per-
manently
estab-
lished.

Sec. 4. This act shall commence and be in force from and after the thirtieth day of April next.

Com-
mence-
ment of
this act.

MICHAEL BALDWIN,
Speaker of the house of representatives.

SAM. HUNTINGTON,
Speaker pro tem. of the senate.

March 30th, 1803.

CHAPTER XII.

*An act to provide for a permanent seat of justice
in the county of Belmont.*

Preamble. *Whereas, it has been represented to this general assembly, that the present seat of justice in the county of Belmont, is in a situation that renders it very inconvenient to a large proportion of the citizens of said county : Therefore, .*

John Mat-
thews,
James
Brown and
Rob't
Speer,
commis-
sioners.

Their
duty.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio, That John Matthews, James Brown and Robert Speer, be, and they are hereby appointed and constituted commissioners to view and examine the several parts of the aforesaid county, or so much thereof as will, in their opinion, enable them to determine, whether a removal of the seat of justice in said county be necessary for the convenience and accommodation of the citizens thereof; in determining of which, the said commissioners shall take into view the present and probable future population of the said county; the outlines that are likely to remain permanent as well as those that may be altered by future divisions; the proportion of the present inhabitants that will be incommoded by a removal of the present seat, and all other circumstances relative to the subject: Provided,*

That in case any one of the said commissioners should be prevented, by accident or otherwise, from attending on the duties hereby required of them, the other two being met, shall agree upon a third person, and the person thus agreed upon shall be sworn and perform all the duties required of the original commissioner.

Proviso, in case one of the commissioners fail to attend.

Sec. 2. *And be it further enacted,* That it shall be the duty of the said commissioners, after having made view and examination according to the first section of this act, to certify their opinion thereon, under their hands and seals, and make out duplicates of such certification, one copy of which shall be left with the clerk of the county court, for the inspection of the citizens, and the other copy they shall enclose in a letter, addressed to the speaker of the senate.

To make report to the clerk of the county and to the speaker of the senate.

Sec. 3. *And be it further enacted,* That the aforesaid commissioners, previous to their entering on the duties of their office, shall each take the following oath or affirmation: Oath.
 "I do solemnly swear (or affirm) that I will faithfully and truly execute the duties of a commissioner, for establishing the seat of justice in the county of Belmont, and that I will make a just report thereof, according to the best of my abilities;" a copy of which oath, signed by the justice before whom it is taken, shall

accompany the report made to the general assembly.

Compensation.

Sec. 4. *And be it further enacted,* That each commissioner shall be entitled to receive two dollars for every day's attendance, going to and returning from said county, required by this act, which shall be paid out of the county treasury upon the certificate of any justice of the peace within said county.

Appropriations prohibited for a certain time.

Sec. 5. *And be it further enacted,* That the court or commissioners shall be, and they are hereby prohibited, from making any further appropriations of money for the erection or completion of public buildings in said county, until the expiration of the next session of the general assembly.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 1st, 1803.

CHAPTER XIII.

An act regulating marriages.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That male persons of the age of eighteen years, female persons of the age of fourteen years, and not nearer of kin than first cousins, may be joined in marriage: *Provided always*, That male persons under the age of twenty-one years, and female persons under the age of eighteen years, shall first obtain the consent of their fathers respectively, or (in case of the death or incapacity of their fathers) of their mothers or guardians.

Male and female persons of certain ages permitted to marry.

Proviso, as to consent of fathers, etc.

Sec. 2. *Be it further enacted*, That it shall be lawful for any justice of the peace in their respective counties, to solemnize marriages, and ordained minister of any religious society or congregation (such minister first producing to the court of common pleas for the county in which he resides, credentials of his being a regular minister of such society) whereupon the court is hereby required to grant such minister a license, whereby he shall be authorized to solemnize marriage, so long as he shall continue a regular minister in such society or congregation, between any persons legally applying to him within this state; and the societies of people called Quakers and Mennonists, in their public

Justices of the peace and minister authorized to solemnize marriage.

Court to grant license to ministers on certain conditions.

meetings, or agreeable to the rules and regulations of their church, to join together as husband and wife, all persons not prohibited by this law, who may apply to them in manner hereinafter provided.

Public notice to be given, or license obtained from clerk of court of common pleas.

Sec. 3. *Be it further enacted,* That previous to persons being joined in marriage, notice thereof shall be given, either in writing affixed at some public place within the township where the parties reside, fifteen days before the day of marriage, under the hand and seal of a justice as aforesaid, or publicly declared on two different days of public worship; the first publication to be at least ten days previous to such marriage, within the county where the female resides, or license obtained for that purpose from the clerk of the court of common pleas for the county where such marriage is solemnized.

Clerks of courts to issue license on consent of parents, etc.

Sec. 4. *Be it further enacted,* That it shall be lawful for the clerks of the court of common pleas in their respective counties, and they are hereby empowered to grant license for marriage, which in all cases shall issue from the clerk of the court for that county where the female resides, and if any of the persons intending to marry shall be under age and not heretofore married, the consent of the parents or guardians (as the case may be) shall be personally given before the clerk, or certi-

fied under the hand and seal of such parent or guardian, attested by two witnesses, one of which shall personally appear before said clerk and make oath or affirmation (as the case may require) that he saw the parent or guardian, whose name is annexed to such certificate, subscribe or acknowledge the same; and the clerk is hereby authorized to administer such oath or affirmation and thereupon issue and sign such license, and affix thereto the seal of the county. The clerk shall be entitled to receive as his fee for administering oath and granting license with the seal affixed thereto, the sum of fifty cents; and if any clerk shall in any other manner, issue or sign any marriage license, he shall forfeit and pay a sum not exceeding one thousand dollars, to and for the use of the party aggrieved.

Oath required as to parents, etc., signing certificates.

Fee to clerk.

Sec. 5. *Be it further enacted*, That a certificate of every marriage hereafter solemnized, signed by the justice or minister celebrating the same, shall be transmitted to the clerk of the county wherein the marriage was solemnized, within three months thereafter, and recorded by such clerk, which shall be evidence of all such marriages. Every justice, minister or clerk, as the case may be, failing to transmit such certificate to the clerk of the county in due time, shall forfeit and pay fifty dollars; and if the clerk shall neglect to make such record, he shall forfeit and pay fifty dollars, to and for the use of the county.

Certificate to be forwarded to clerk within three months.

Penalty on neglect.

Forfeiture
on solemn-
izing mar-
riage con-
trary to
this act.

Sec. 6. *Be it further enacted*, That if any justice or minister, by this law authorized to join persons in marriage, shall celebrate the same contrary to the true intent and meaning of this act, the person so offending shall, upon conviction thereof, forfeit and pay any sum not exceeding one thousand dollars, to and for the use of the state. And if any person not legally authorized, shall attempt to celebrate the marriage contract, such person shall, upon conviction thereof, forfeit and pay five hundred dollars, to and for the use of the state.

Fines,
etc., how
recovered.

Sec. 7. *Be it further enacted*, That any fines or forfeitures, arising in consequence of the breach of this law, shall be recovered by an action of debt, with costs of suit, in any court of record, or any court having cognizance of the same.

Certain
laws regu-
lating
marriages
repealed.

Sec. 8. *Be it further enacted*, That the law entitled, "A law regulating marriages," and the law, entitled, "An act supplementary to a law regulating marriages," be and they are hereby severally repealed.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 4th, 1803.

CHAPTER XIV.

An act organizing the judicial courts.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the supreme court of this state shall consist of three judges, to be chosen in the manner directed by the constitution, one of whom shall be commissioned by the governor chief judge of said court, and the other two judges and all future judges of said court, shall have precedence according to the date of their commissions, or where their commissions are of the same date, then according to their respective ages.

The supreme court to consist of three judges.

One commissioned chief judge.

Sec. 2. *And be it further enacted*, That the first session of the supreme court shall be held at the seats of justice in the several counties, as follows, viz: In the county of Trumbull, on the first Tuesday of June next; in the county of Columbiana, on the second Tuesday of June next; in the county of Jefferson, on the third Tuesday of June next; in the county of Belmont, on the fourth Tuesday of June next; in the county of Washington, on the first Tuesday of July next, in the county of Gallia, on the fourth Tuesday of August next; in the county of Scioto, on the fifth Tuesday of August next; in the county of Adams, on the first Tuesday of September next; in the county of Clermont,

The times of holding the supreme court in the different counties.

on the second Tuesday of September next; in the county of Hamilton, on the third Tuesday of September next, in the county of Warren, on the first Tuesday of October next; in the county of Butler, on the second Tuesday of October next; in the county of Montgomery, on the third Tuesday of October next; in the county of Green, on the fourth Tuesday of October next; in the county of Franklin, on the first Tuesday of November next; in the county of Ross, on the second Tuesday of November next; in the county of Fairfield on the third Tuesday of November next; and the time of holding each subsequent session of the supreme court, as well in the above mentioned counties as in the counties hereafter to be laid out shall be determined by said court, and notice given by publication for three weeks, successively, in two or more newspapers of the state, within thirty days after the end of every circuit of said court, and all officers and parties concerned therein shall take notice thereof.

Notice to
be given
of the
time of
holding
each sub-
sequent
session.

Sec. 3. *And be it further enacted,* That the supreme court shall have original jurisdiction of all civil cases, both in law and equity, where the title of land is in question, or where the sum or matter in dispute exceeds the value of one thousand dollars and appellate jurisdiction from the court of common pleas, in all cases respecting the title of lands, or

In what
cases the
supreme
court have
original
and appel-
late juris-
diction.

where the matter in controversy exceeds the value of one hundred dollars, and all cases where the proof or validity of wills or the right of administration shall be in question.

Sec. 4. *And be it further enacted,* That the supreme court shall have exclusive cognizance of all causes of divorce and alimony, and of all criminal causes where the punishment is capital and cognizance concurrent with the courts of common pleas of all other crimes and offenses, not cognizable by a single justice of the peace.

Exclusive
cogniz-
ance in
certain
cases.

Sec. 5. *And be it further enacted,* That the supreme court shall have power to issue injunctions, writs of error, *habeas corpus*, *certiorari* and *mandamus*, and all other remedial writs and process which may be necessary for the exercise of its jurisdiction and warranted by the principles and usages of law, and to make and establish all necessary rules for the orderly conducting business in the said court, and to examine and correct all manner of errors of the courts of common pleas, in their judgments and proceedings, other than for errors assigned for want of form, and thereupon to reverse or affirm the same, or to render such judgment as the court of common pleas should have given, and to punish the contempts, neglects and corruptions, of any of the justices of the peace, sheriffs, coroners and other civil officers, within the said respective

Power to
issue cer-
tain writs.

to correct
errors,

to punish
con-
tempts,
etc.

And establish rules of practice.

counties, and to prescribe the forms of writs throughout the state, and to direct the general rules of practice for the courts of common pleas.

The state divided into three circuits.

Sec. 6. *And be it further enacted*, That the state shall be and hereby is divided into three circuits: The counties of Hamilton, Butler, Montgomery, Green, Warren and Clermont, shall compose the first circuit: The counties of Adams, Scioto, Ross, Franklin, Fairfield and Gallia, shall compose the second circuit; and the counties of Washington, Belmont, Jefferson, Columbiana and Trumbull, shall compose the third circuit. A president

A president in each circuit.

of the courts of common pleas shall be appointed in each circuit, as the constitution directs, who, together with three associate judges, to be appointed in each county as aforesaid, shall compose the court of common pleas of each county, any three of whom shall be a quorum, and where they are equally divided in opinion, the president shall have the casting vote. The court of common pleas shall sit in each county at the time specified, as follows, viz.:

Three associate judges in each county.

Times of holding courts of common pleas in the first circuit.

In the county of Hamilton, on the first Tuesdays of March, July and November. In the county of Butler, on the second Tuesdays of March, July and September. In the county of Montgomery, on the fourth Tuesdays of March, July and November. In the county of Green, on the first Tuesdays of April, August and December. In the county of War-

ren, on the third Tuesdays of April, August and December. In the county of Clermont, on the fourth Tuesdays of April, August and December. In the county of Adams, on the first Tuesdays of April, August and December. In the county of Scioto, on the second Tuesdays of April, August and December. In the county of Gallia, on the third Tuesdays of April, August and December. In the county of Ross, on the fourth Tuesdays of April, August and December. In the county of Franklin, on the first Tuesdays of May, September and January. In the county of Fairfield, on the second Tuesdays of May, September and January. In the county of Trumbull, on the last Tuesdays but one in March, July and November. In the county of Columbiana, on the last Tuesdays of March, July and November. In the county of Jefferson, on the first Tuesdays of April, August and December. In the county of Belmont, on the second Tuesdays of April, August and December. In the county of Washington, on the third Tuesdays of April, August and December. *Provided always*, That the legislature may, from time to time, make such alterations respecting the division of the state into circuits, and the terms of the court of common pleas, as to them shall appear necessary and proper.

In the second circuit.

In the third circuit.

Sec. 7. *And be it further enacted*, That the courts of common pleas shall have original jurisdiction in all civil cases, both in law

Common pleas have original jurisdiction in certain cases.

and equity, where the matter in dispute exceeds the jurisdiction of a justice of the peace; they shall have power to examine and take the proof of wills, to grant administration on intestate estates, and to hear and determine all causes, suits and controversies of a probate and a testamentary nature, to appoint guardians for minors, idiots and lunatics, and to call such guardians to account: *Provided*, That a special court may be holden at the instance and expense of any person requesting the same, for taking the probate of wills, granting letters of administration and appointing guardians.

Proviso
for holding
special
courts.

Sec. 8. *And be it further enacted*, That the court of common pleas shall have cognizance of all crimes, offenses and misdemeanors, the punishment whereof is not capital, excepting such offenses as are made cognizable by a single justice of the peace, and shall have the same powers to issue remedial and other process (writs of error and *mandamus* excepted) as the supreme courts have.

Common
pleas have
cogniz-
ance of
crimes
where
punish-
ment is not
capital.

Sec. 9. *And be it further enacted*, That an appeal shall be allowed, of course, to the supreme court, from any judgment rendered in the court of common pleas, where the title of land was in question, or the sum or matter in dispute was more than one hundred dollars, or where the validity of a will or right of administration was in ques-

Appeals
from com-
mon pleas.

tion: *Provided*, The appellant give bond with surety (to be approved of by the court) for prosecuting his appeal to effect.

Sec. 10. *And be it further enacted*, That the court of common pleas shall have power to issue writs of injunction, *certiorari*, *habeas corpus*, and such other remedial writs as may be necessary to carry their judgments and decrees into effect.

Power to
issue writs
of injunc-
tion, etc.

Sec. 11. *And be it further enacted*, That in vacation, either of the judges of the supreme court and presidents of the courts of common pleas, shall have power to allow writs of *habeas corpus* and *certiorari*, on good cause shown, and the said judges of the supreme court shall allow writs of error and *supersedeas* of course.

In vaca-
tion writs
of habeas
corpus,
etc., al-
lowed

Sec. 12. *And be it further enacted*, That the judges of the supreme court, as also the presidents and associate judges of the court of common pleas, before they proceed to execute the duties of their said offices, shall take the following oath or affirmation: "I, A. B. do solemnly swear (or affirm) that I will administer justice, without respect to persons and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as judge, president, etc., (as the case

Oath.

may be), according to the best of my abilities and understanding."

The courts
to appoint
clerk.

Oath.

To give
bond with
security.

Sec. 13. *And be it further enacted,* That the supreme court and courts of common pleas shall appoint their clerks for their respective courts in each county, agreeable to the provisions in the constitution; and each of the said clerks, before he enters upon the execution of the duties of his office, shall take the following oath or affirmation: "I, A. B. being appointed clerk of _____, do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God." And the said clerks shall also severally give bond with two securities (to be approved of by the court appointing them) to the state of Ohio; the clerks of the supreme court in the sum of two thousand dollars and the clerks of the courts of common pleas in the sum of fifteen hundred dollars, conditioned for the faithful discharge of the duties of their respective offices.

Where a
quorum
does not
attend,
the man-
ner of ad-
journing.

Sec. 14. *And be it further enacted,* That in case a quorum of the Supreme court or courts of common pleas shall fail to attend at the time and place appointed for holding their respective courts, the judge attending (or if no judge be present then the sheriff) shall have power to adjourn the court from day to day,

until a quorum be convened ; or if no quorum shall be present within two days after the first day of the term, then and in such case, all suits, complaints, process and proceedings, of whatever nature, commenced or pending in the said court, shall stand continued, of course, to the next term to be holden in said county by the said judges.

Sec. 15. *And be it further enacted,* That all general issues and issues in fact, shall be tried by a jury, unless where both parties agree otherwise; in which case such issues may be tried by the court before whom they are pending.

Issue to be tried by a jury, unless otherwise agreed.

Sec. 16. *And be it further enacted,* That all criminal cases, and cases where the title of land or freehold is in question, shall be tried in the county where the crime was committed or the land lies, unless it shall appear to the court that a fair and impartial trial cannot be had in the proper county, in which case the supreme court may direct the *venire* to be changed to another county.

Venire to be changed in certain cases.

Sec. 17. *And be it further enacted,* That suits in equity shall not be sustained in either the supreme court or courts of common pleas, in any cause where plain, adequate and complete remedy may be had at law, and in the trial of causes in equity, oral testimony and examination of witness, in open court, shall be admitted.

Suits at equity not maintainable when there is a remedy at law.

Forty-four grand jurors and seventy-two petit jurors to be annually selected to serve for the ensuing year.

The manner in which they are to be re-selected.

Sec. 18. *And be it further enacted,* That forty-four grand jurors and seventy-two petit jurors, judicious persons, having the qualifications of electors, shall be annually selected in each county, to serve as grand and petit jurors for the ensuing year; and the court of common pleas, at the term next preceding the first Monday of June next, and the first Monday of March, every succeeding year, shall direct the proportion of said number of jurors that are to be selected in each township, such proportion to be ascertained from the number of persons entered in the returns of the lister of taxable property in the respective townships; and the trustees or managers of each township shall meet on the first Monday of June next, and forever after on the first Monday of March, annually, and shall proceed to select the number of grand and petit jurors, having the qualification as aforesaid, which shall have been assigned for their respective township, by the court of common pleas, and the names of the persons thus selected, shall be transmitted to the clerk of the supreme court and clerk of the court of common pleas; and the respective clerks shall write the name of each person so selected, upon a separate piece of paper and put it into a box to be by him provided at the expense of the county; those selected as grand jurors in one box and those selected as petit jurors in another box; and the said clerk of the court of common pleas or clerk of the supreme court (as the case may be) thirty

days before the sitting of their respective courts, shall, in the presence of the sheriff and a justice of the peace of the proper county, draw by lot, out of the respective boxes, fifteen grand jurors and eighteen petit jurors, and the said clerk shall forthwith issue a *venire* to the sheriff, commanding him to summon the persons drawn as aforesaid to attend as jurors at the seat of justice in said county, on the first day of the court next to be holden as aforesaid; and the sheriff receiving such *venire*, shall, within twenty-five days thereafter, summon such persons by reading the same in their presence, or leaving an attested copy thereof at the usual places of their abode, and shall endorse on such *venire* the names of the persons and time when summoned, and return the same to the clerk of the said court on the first day of its sessions; and if any person selected juror as aforesaid, shall die, or remove out of the township before the time for drawing for jurymen for any court, when such person's name shall be drawn out it shall be thrown aside and another name taken out in lieu thereof; and if by reason of sickness, or absence out of the county before receiving such summon, or other sufficient excuse be accepted by the court, any juror drawn as aforesaid shall not serve at the court to which he is summoned, his name shall be returned into the box from which it was so drawn, and shall remain there until drawn out at some subsequent drawing for jurors, when he

Continued.

Contin-
ued.

shall serve if no disability prevents; and at every annual selection for jurors, if there be any names undrawn and remaining in either box, said trustees or managers shall select so many grand and petit jurors as make up the number directed to be selected in said township. And the name of each person who shall be summoned and returned as above, to serve on the petit jury, shall be written on a separate piece of paper and folded and put into a box to be prepared for that purpose by the clerk of the court to which said *venire* is returned, and when any cause is brought on to trial, the clerk or some indifferent person, by direction of the court, shall in open court draw out of said box twelve of the said papers, one after another, and if any of the said persons so named shall not appear or be challenged and set aside, then such further number of names shall be drawn until twelve persons of those who appear and who be not set aside, be had to serve on the jury, who after being impaneled and sworn, shall be a jury to try the cause so brought on as aforesaid, and the names so drawn out after the jury is impaneled shall be returned back into the box and shall be intermixed with the other names by shaking the box before another jury be drawn; and in case there should not, by reason of challenge or otherwise, be a sufficient number of jurors had from the names in the box to make up the panel, then the sheriff shall summon

a sufficient number of talesmen to make up the deficient number; and at the close of every court the names of all such jurors as shall have served at that term, shall be taken out of the jury box and destroyed, and until the first return of jurors from the towns in the several counties and *venires* issued, as provided in this section, the jurors shall be summoned and impaneled by the sheriff as heretofore practiced in the several counties.

Sec. 19. *And be it further enacted,* That all writs and process shall run in the style of "The State of Ohio," _____ county, ss," shall bear test in the name of the presiding judge, be sealed with the seal and signed by the clerk of the proper court, and shall be dated the day on which the same may issue.

Style of
process.

Sec. 20. *And be it further enacted,* That all original process which shall have been served antecedent to the forty-third day before the sitting of the court to which it is returnable, shall be returned on the said forty-third day to the clerk's office out of which the same issued, and each fourteenth day between the said forty-third and the sitting of the court, shall be a rule day, at which the parties respectively may take a rule for declaration, plea, replication, or other pleading which may be proper and necessary to complete the issue, and for non-compliance with such rule, judgment on non-suit or by default, as the case will admit,

Original
process,
when re-
turned.

Rule day.

Defendant
to put in
bail.

may be signed at the next rule day, and each attorney shall furnish the opposite party with a copy of his pleading, or leave such copy with the clerk of the proper county the day on which the original shall be filed: *Provided always*, that at the first rule day, the defendant shall put in bail, if the nature of the action require it, or the plaintiff may file his declaration *de bene esse*, and take a double rule for bail and plea: And *provided also*, That the plaintiff, at any rule day before filing his declaration in chief, may rule the sheriff to bring in the body of the defendant: *Provided nevertheless*, That the supreme court or courts of common pleas [as the case may be] at their next session after any of the said rules and proceedings have been had in the clerk's office, for good cause to them shown, may set aside any of the said rules and proceedings, and make such order concerning the same as to them may appear just and right; and all other the original writs and process, which shall have been served by the sheriff between the forty-third and eleventh day before the sitting of the court to which the same are returnable, shall be returned to the clerk's office ten days next before the first day of the succeeding court, and shall be subject to such rules and regulations as the judges of the same court may deem just and proper.

Sec. 21. *And be it further enacted*, That all causes, whether in law or equity at issue, or

causes on enquiry of damages, shall be noticed in the clerk's office for trial, ten days before the term, and the clerk shall cause a fair statement of all such actions as are noticed for trial to be made out and put up in some conspicuous part of his office, where it shall remain until that term of the court is over.

Causes at issue, etc., to be put up in the clerk's office.

Sec. 22. *And be it further enacted,* That the clerks of the supreme court and courts of common pleas, shall be constituted commissioners of bail, and they shall have the same powers and be entitled to the same fees as are given to commissioners of bail, by "An act authorizing the judges of the general court to appoint commissioners to take special bail and to administer oaths."

Clerks commissioners of bail.

Sec. 23. *And be it further enacted,* That the clerks of the said courts are hereby severally authorized and required, to issue rules and commissions at any time in vacation, for taking depositions, in the same manner as is prescribed by an act, entitled, "An act concerning testimony."

May issue rules and commissions in vacation.

Sec. 24. *And be it further enacted,* That whenever a cause shall be removed by writ of error or *certiorari*, bail or bond for prosecuting the same shall be put in by the second day of the term to which the record is returnable, and the reasons or assignment of errors shall be filed on the third day of the same

Proceedings in cases removed by writ of error.

When by
habeas
corpus
cum causa.

term. And in all causes removed by a writ of *habeas corpus cum causa*, the record of all proceedings in the cause shall be removed into the supreme court, and bail, if the suit requires bail, shall be put in on the first day of the term and a trial had the same term, unless one of the parties shall, on cause shown, have leave to declare or plead *de novo*.

Supreme
court to
appoint an
attorney
to prose-
cute.

Sec. 25. *And be it further enacted*, That the supreme court shall appoint in each county, an attorney to prosecute in behalf of the state, who shall be entitled to receive for his services such fees or compensation as shall be allowed by law.

Supreme
court and
courts of
common
pleas to
take cog-
nizance
of judg-
ments,
causes,
etc., un-
deter-
mined in
the terri-
torial
courts.

Sec. 26. *And be it further enacted*, That the supreme court and courts of common pleas, agreeable to their respective jurisdictions, shall take cognizance of all judgments, causes and matters whatsoever, whether civil or criminal, that are now pending, undetermined or unsatisfied, either in the general court, courts of common pleas, courts of probate or general quarter sessions of the peace; and the said supreme court and courts of common pleas respectively, are hereby authorized and required, to hear and decide upon the said matters as fully and completely as if the said causes had originated in the said supreme court and courts of common pleas. And all writs which have issued out of said general court, courts of common pleas or general quarter sessions of the peace, shall be continued over of course until the

first session of the supreme court or court of common pleas hereby established, as the case may be, to be holden in the respective counties.

Sec. 27. *And be it further enacted,* That no action, plea or plaint, shall be abated or discontinued by reason of the non-attendance of the judge or judges, whose duty it was to have attended at any former general or circuit court; but all such causes are hereby declared to be continued over to the court hereby authorized to take cognizance thereof, at their first sitting in the county where the same may be pending.

Actions,
etc., not
abated by
the non-
attend-
ance of
the judge
or judges
at former
general or
circuit
courts.

Sec. 28. *And be it further enacted,* That the general court, circuit courts, courts of common pleas, general quarter sessions of the peace, orphan's court and courts of probate, heretofore established under the territorial government, within the limits of this state, be and the same are hereby abolished; and all laws and parts of laws that are in any wise repugnant to this act or any section or provisions thereof, shall be and the same are hereby repealed.

Certain
courts
abolished
and laws
repealed.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 15th, 1803.

CHAPTER XV.

An act regulating the mode of petitioning the legislature in certain cases.

Persons
petitioning
the legisla-
ture to
give thirty
days previ-
ous notice.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That previous to any petition or memorial being received by any future legislature, praying that any act may be passed, whereby the particular rights or privileges of any individual or individuals, bodies politic or corporate, may be affected or infringed, notice of such intended application, by petition or otherwise, shall be given at least thirty days before the ensuing session of the general assembly, either by advertisement in a newspaper printed or in general circulation within the county where the party or parties interested reside, or in case no such paper be printed or circulated within such county, then notice shall be given by advertisement, to be fixed on the door of the house where courts are held for such county, and at three of the most public places in said county, for the aforesaid period of thirty days; but if the party or parties interested as aforesaid, do not reside within this state, then four months notice of such intended application shall be given, in at least one of the public papers printed within this state.

Parties in-
terested
not resid-
ing within
the state,
four
months no-
tice to be
given.

Sec. 2. *And be it further enacted,* That

it shall be the duty of the speaker of that branch of the legislature to whom such petition or memorial may be offered, to enquire, at the time such petition or memorial is presented, whether notice thereof has been given agreeably to the requisitions of this act, and if satisfactory proof of such notice is produced, then such petition or memorial shall be received.

Duty of
the speak-
er as to
notice
being
given.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 9th, 1803.

CHAPTER XVI.

An act providing for the permanent establishment of the seat of justice in the county of Adams.

Preamble.

Whereas it has been represented to this general assembly, that the present seat of justice in the county of Adams is in an improper place, and that the inhabitants thereof labor under many and very great inconveniences in attending the same. Therefore,

Commissioners appointed.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That Isaac Davis, John Evans and James Menary, be and they are hereby constituted and appointed, commissioners to view and examine the several parts of the aforesaid county, or so much thereof as will, in their opinion, enable them to determine upon the most eligible place for the seat of justice, in doing of which they shall take into view the present and probable future population, and all other circumstances relative to the convenience and accommodation of the citizens of the said county: *Provided*, That in case any one of the said commissioners should be prevented by accident or otherwise, from attending on the duties hereby required of them, the other two being met, they shall agree upon a third person, and the person thus agreed upon shall be sworn and perform all the duties required of the original commissioners.

Their duty.

Proviso,
in case
one com-
missioner
fails to at-
tend.

Sec. 2. *And be it further enacted,* That it shall be the duty of the said commissioners, after having made view and examination according to the provisions of this act, to certify their opinion thereon, under their hands and seals, and make out duplicates of such certificates, one copy of which shall be lodged with the clerk of the court of common pleas, for the inspection of the citizens, and the other copy they shall enclose in a letter and transmit it to the speaker of the senate.

To certify
their opinion.

Duplicates, one
to the
clerk of
the court
of common
pleas, the
other to
the speaker
of the
senate.

Sec. 3. *And be it further enacted,* That the aforessid commissioners, previous to entering on the duties of their office, shall each take an oath or affirmation faithfully and impartially to discharge the duties required of them by this act, according to the best of their abilities.

Oath.

Sec. 4. *And be it further enacted,* That each of the said commissioners shall be entitled to receive two dollars for every day they may be necessarily employed in the business aforesaid, and in going to and returning from the said county, which shall be paid out of the county treasury, upon the order or certificate of two of the associate judges of the court of common pleas of the said county.

Compensation.

Sec. 5. *And be it further enacted,* That the court or commissioners of the said county, shall be and they are hereby prohibited from making any further appropriations of money for the erection or completion of public build-

Further
appropriation
prohibited.

ings in the said county, until the seat of justice shall be permanently established.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 13th, 1803.

CHAPTER XVII.

An act empowering the treasurer of the state to receive from the secretary of the treasury of the United States, moneys granted for the opening roads within the state.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the treasurer of this state be, and he hereby is authorized and empowered, to receive from the secretary of the treasury of the United States, all money that now is, or hereafter may become due to this state, by virtue of the act of Congress, entitled, "An act in addition to and in modification of the propositions contained in the act, entitled, "An act to enable the people of the eastern division of the territory north-west of the river Ohio, to form a constitution and

The treasurer to receive from the treasurer of the United States certain money.

state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes;" and the money so paid into the hands of the treasurer, shall remain in the treasury until drawn out by some act pursuant to the intention for which it was granted.

To remain in his hands until drawn out by law.

Sec. 2. *And be it further enacted*, That it shall be the duty of the secretary of state to forward a copy of this act to the secretary of the treasury of the United States, within thirty days from the passage thereof.

Secretary of state to forward copy to secretary and treasurer of United States.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 15th, 1803.

CHAPTER XVIII.

An act to revive and continue in force, several acts laying taxes on land, and for other purposes.

Powers of
the off-
icers of
new coun-
ties.

Proviso, in
favor of
the clerks.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the courts and the clerks of the courts of common pleas, in the several counties which have been established by the present legislature, and all sheriffs and collectors, and all other officers be, and they are hereby vested with the same powers, and are required to do the same duties and be subject to the same penalties as by the existing laws, the said officers are and shall be subject to in the other counties of this state: *Provided*, that the clerks aforesaid be allowed until the first day of July next, to perform the duties required in the ninth section of the act, entitled, "An act levying a tax on land for the year one thousand eight hundred and two, and for other purposes."

Clerks of
certain
courts to
make out
extracts
and trans-
mit them
on or be-
fore the 1st
June next.

Sec. 2. *And be it further enacted*, That the clerks of the court of common pleas in the several counties, which were established before the commencement of the present session of this general assembly, shall make out and transmit to the clerks of such counties as have since been established, certified extracts of all lands which are entered in their respective offices, lying within either of the new

counties which have been established as aforesaid, on or before the first day of June next; and it shall be the duty of the clerks of the counties last above designated, to enter the said extracts in books to be provided for that purpose, and also to receive and make all entries and transfers, from time to time, as by law are required of the clerks in the other counties in this state.

Sec. 3. *And be it further enacted,* That the auditor of public accounts, is hereby required to pay over to the collectors of Warren and Green, their respective proportions of the tax arising from the Virginia military lands, appropriated to county purposes, according to the provisions of the seventh section of the aforesaid article.

Auditor to pay the collectors of Warren and Green certain moneys.

Sec. 4. *And be it further enacted,* That all laws regulating the taxation of lands, shall continue in force until the end of the next session of the legislature, together with this act, and for the purpose of collecting taxes that shall then be due and unpaid, until such taxes are collected and no longer.

Laws regulating land, tax continue in force.

Sec. 5. *And be it further enacted,* That if any sheriff or collector shall neglect or refuse to perform the duty enjoined by the fourth section of the act, entitled, "An act levying a tax on land for the year 1802," as far as the said section makes it the duty of a sheriff or

Penalty, neglect of duty.

collector to distrain and sell the personal property of such persons, as shall be delinquent on the first day of October, such sheriff or collector shall be liable to pay all interest, damages and forfeitures that any resident proprietor may be subject to in consequence of such neglect.

Further
time given
for the
payment
of certain
taxes.

Sec. 6. *And be it further enacted,* That such lands on which the taxes for the present year shall remain due and unpaid, on the first Monday of November next, shall not be sold until the first Monday in November, in the year 1804.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE.
Speaker of the senate.

April 16th, 1803.

CHAPTER XIX.

An act to provide for the leasing of certain lands therein named.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the lands granted for the support of schools in the several parts of the state, shall be let on lease for the purpose of improving the same, and thereby rendering them productive, that the profits arising therefrom may be applied to the support of schools, according to the true intent and meaning of the original donation and the several laws of the United States, reserving, granting and appropriating the same.

School
lands to be
let on
lease.

Sec. 2. *And be it further enacted,* That all the lands lying within the United States military tract which have been appropriated for the use of schools, shall be let to lease for any term not exceeding fifteen years, and that section number sixteen in all other parts of the state, (except such as have been heretofore leased by persons legally qualified to lease the same) and the sections that shall be located in lieu of such as have been sold or otherwise disposed of by the United States, so soon as they shall be selected by the secretary of the treasury, shall be let to lease for any term not exceeding seven years.

The lands
in the
U. S. milit-
ary tract
to be leas-
ed for a
term not
exceeding
fifteen
years.

Sec. 3. *And be it further enacted,* That on each tract of land consisting of one hundred

Certain im-
prove-
ments to.

be made in tracts of two hundred and sixty acres or more.

Improvements to be completed in a certain time.

The governor to appoint persons in the counties or districts to lease the land within the same

in tracts not less than one hundred sixty nor larger than three hun-

and sixty acres or more, there shall be required the following improvements, to-wit: Fifteen acres cleared and fenced in separate fields or parcels, one parcel or lot of which to consist of five acres, with all the timber and other wood cut and cleared off and sowed down in timothy or red clover seed, and another lot of three acres, cut and cleared in the same manner and planted with one hundred thrifty and growing apple trees, and the remaining tract of seven acres cleared and prepared for cultivation in the ordinary manner of improving arable land: *Provided always*, That the person or persons to whom any of the said lands are leased, shall be obliged to complete the said improvements on all lands leased for fifteen years within the time of the first twelve years of the same, and on all lands leased for seven years within the time of the first five years of the said lease.

Sec. 4. *And be it further enacted*, That it shall be the duty of the governor, and he is hereby required, to appoint suitable persons in the several counties or districts in the state, with full power and authority to lease the several tracts of land within his county or district, conformably to the terms and provisions of this act: *Provided always*, That the agents or commissioners appointed as aforesaid, shall not lease out any of the said lands in tracts less than one hundred and

sixty acres, nor larger than three hundred and twenty acres, except in cases of fractional sections; *and provided also*, that it shall be the duty of said agents or commissioners, before they proceed to lease any of said lands, to make application to the surveyor general for a list of such part or parts of the same as have been leased under the authority of the United States, in their respective districts or counties.

And twenty acres except in particular sections.

To make application.

Sec. 5. *And be it further enacted*, That each of the said agents shall be and is hereby entitled to receive for each lease, a sum of two dollars, to be paid by the said lessees respectively.

Compensation.

Sec. 6. *And be it further enacted*, That it shall be the duty of the several agents, within sixty days after being notified of their appointments, to give notice in one or more newspapers printed or in circulation in the county or by advertisement set up in three or more public places, expressing the terms for which the lands within his county or district are to be leased, and he shall moreover enter in a book to be by him provided and kept for that purpose, the name of each person that shall apply for a lease, designating at the same time, the number and part of the section or tract applied for, and the term of years for which the applicant proposes to make the improvements required by the third section of this act, and in forty-two days after such application, if no other applicant

Agents to give notice of the terms.

To keep a book for certain purposes.

In forty-two days if no other application is made

agent to
make a
duplicate
lease.

The lease
to be made
to the ap-
plicant
proposing
to take the
same for
the short-
est term.

When two
or more
apply at
the same
time
claims to
be deter-
mined by
lot.

Prefer-
ence to
persons
residing
on the
land.

The agent
to enquire
into waste
or tres-
pass.

To pro-
ceed
against the
trespas-
sers ac-
cording to
law.

shall apply for the same and propose to take a lease on a shorter term, the said agent shall proceed to make out a duplicate lease to the said first applicant, one part of which shall be retained in the hands of the agent, but if any succeeding applicant shall propose to take the same for a shorter space of time, then and in that case, the lease shall be made to the person proposing to take the same on the shortest term: *Provided always*, That if two or more persons shall apply at the same time and on the same terms for any one tract, then the said agent shall determine by lot, in their presence, the priority of claim; *and provided also*, That leases shall be given to persons living on the land, if such persons shall apply for the same, on as short term as any other applicant, at any time within the forty-two days, notwithstanding such person shall not be the first applicant.

Sec. 7. *And be it further enacted*, That it shall be the special duty of the said agent, to inspect and inquire into any waste or trespass that may be committed on any of the aforesaid lands, by cutting and carrying away timber or stone, or any other damage that may be done to the same whether by persons residing thereon or others; and the said agent is hereby authorized and required, where in his opinion any waste or trespass has been committed, to proceed against the person or persons committing said waste or trespass,

according to law: *Provided always*, That no Proviso.
 person residing on any of the said lands shall
 be liable to damages for cutting timber or re-
 moving stone for any necessary or useful im-
 provement made on the same.

Sec. 8. *And be it further enacted*, That The dama-
 ges recov-
 ered, how
 applied.
 actions for waste or trespass, shall be sus-
 tained by the agent and the damages recovered
 shall be one-half to the use of such agent,
 and the other half to be applied to the same
 purposes as the net proceeds of the land on
 which the damage was sustained, and the agent
 for those lands in the United States milita-
 ry tract which are appropriated to the use of The agent
 for lands in
 the U. S.
 military
 tract in the
 county of
 Trumbull,
 to receive
 such com-
 pensation
 as the
 court of
 common
 pleas for
 said coun-
 ty will al-
 low.
 schools in the county of Trumbull, shall re-
 ceive such compensation for his services ren-
 dered in pursuance of the seventh section of
 this act, as the court of common pleas for
 said county of Trumbull shall allow to be
 paid out of the county treasury.

Sec. 9. *And be it further enacted*, That Sec. No.
 29 in J.
 Symmes
 patent to
 be leased
 on the
 same
 terms of
 number 16.
 section number twenty-nine, in the several
 townships within Judge Symmes' patent, shall
 be let to lease by the same persons, on the
 same terms and under the regulations and
 restrictions of the aforesaid sections num-
 ber sixteen.

MICHAEL BALDWIN,
 Speaker of the house of representatives.

NATH. MASSIE,
 Speaker of the senate.

April 15th, 1803.

CHAPTER XX.

*An act to provide for the locating a college township
in the district of Cincinnati.*

One town-
ship for an
academy.

Sec. 1. *Be it enacted by the general as-
sembly of the state of Ohio,* That one complete
township in the district of Cincinnati, or so
much of any one complete township within the same
as may remain unsold together with as many
adjoining sections as shall have been sold in
the said township, so as to make in the whole
thirty-six sections, shall be located and en-
tered in due form with the register of the
United States' land office at Cincinnati, on
or before the first day of October next, for
the use and support of an academy, in lieu of
the college township heretofore granted in
trust to John C. Symmes and his associates,
by the United States, and in pursuance of and
agreeably to an act of congress, entitled,
"An act in addition to and in modification
of the propositions contained in the act, en-
titled, "An act to enable the people of the
eastern division of the territory north-west
of the river Ohio, to form a constitution and
state government, and for the admission of
such state into the union, on an equal foot-
ing with the original states and for other
purposes."

Commission-
ers appoint-
ed to locate,
etc.

Sec. 2. *And be it further enacted,* That
Jeremiah Morrow, Jacob White and William Lud-
low, be constituted and the same are hereby

constituted and appointed commissioners, to do, perform and transact all and every matter and thing, that is necessary to be done in locating and registering the said college township of thirty-six sections of land. And the said commissioners after being duly sworn faithfully to discharge their trust, in this behalf, shall proceed without loss of time, to explore the vacant or unlocated lands of the United States in the said district of Cincinnati, and after due examination shall select such tract or tracts (as the case may require) as are the most valuable, having due regard to the quality of the land, the situation for health, the goodness of the water, and the advantage of inland navigation. And after the location shall have been so made and registered, the said commissioners shall procure two fair copies of the same location and entry from the register of the land office, one of which shall be transmitted to the secretary of the treasury of the United States and the other shall be deposited with the secretary of the state of Ohio: *Provided however,* That if Proviso. any of the aforesaid commissioners should die, remove or refuse to act, then and in that case the two remaining commissioners shall proceed to locate and register the said college lands in the manner prescribed by this act.

Sec. 6. *And be it further enacted,* That Payment of
commis-
sioners. each of said commissioners, for every day which they are necessarily employed in executing their trust, agreeably to this act, shall

be allowed at the rate of two dollars per day; which account shall be examined and audited by the auditor of public accounts, and paid out of any money in the treasury of the state, the whole amount of which shall be charged by the auditor to the funds of the said college, academy or institution.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker pro tem. of the senate.

April 15th, 1803.

CHAPTER XXI.

An act providing for the election of sheriffs and coroners in certain cases.

Sheriff or
coroner
dying or
otherwise
incapaci-
tated,
associate
judges or
two of
them shall
appoint a
day to
hold elec-
tion to fill
vacancy,
etc.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That when any sheriff or coroner shall die, or by any other means be incapacitated to serve as sheriff or coroner, it shall be the duty of the associate judges, or any two of them of the county where such vacancy may happen, to appoint a day, without delay, on which the qualified electors of the said county shall meet in their respective townships and districts and proceed to the election of a sheriff or coroner (as the case may be) in the same manner as is directed in case of the election of a sheriff or cor-

oner at the general election, agreeable to an act entitled, "An act regulating elections," passed the _____ day of _____ and the said sheriff or coroner so elected, shall perform the same duties and be liable to the same penalties as sheriffs or coroners in other cases, and shall continue in office until the next general election, and until another sheriff or coroner (as the case may be) shall be elected and qualified agreeable to law.

Sec. 2. *And be it further enacted,* That when any new county is laid off or erected, it shall be the duty of the associate judges, or any two of them within said county, to appoint a day on which the qualified electors shall meet at the temporary seat of justice, giving at least ten days' notice thereof in six of the most public places in said county, of such election, and proceed to elect one sheriff and one coroner, in the same manner as is directed in the foregoing section of this act, except that the return of the votes given for the different candidates shall be made to the associate judges of said county, or any two of them, who shall give to the two persons who stand highest in votes for the different offices, a certificate of their respective elections, and in consequence of such certificate the governor is hereby authorized to grant commissions to the persons elected accordingly. And the sheriff and coroner so elected, shall

Associate judges or two of them to fix a day for electing sheriffs and coroners of new counties.

Return of votes to be made to judges, who shall give certificates, and governor may grant commissions.

Shall continue in office until the next general election, etc.

perform the same duties and be liable to the same penalties as in other cases, and shall continue in office until the next general election, and until another sheriff and coroner shall be elected and qualified agreeably to law.

Certain
clerks, etc.,
to deliver
books, etc.,
to clerks of
courts.

Sec. 3. *And be it further enacted*, That the clerks and prothonotaries of the several courts abolished by the act, entitled, "An act organizing the judicial courts," are hereby required to deliver over to the clerks of the supreme court, or courts of common pleas in the respective counties, all the books, records, vouchers, documents and other official papers in their possession; and the said clerks of the supreme court and clerks of the courts of common pleas respectively, are hereby authorized and required to receive and preserve the same in their respective offices.

- MICHAEL BALDWIN,

Speaker of the house of representatives.

NATH. MASSIE,

Speaker of the senate.

April 15th, 1803.

CHAPTER XXII.

An act defining the duties of the auditor and treasurer of the state.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That it shall be the duty of the auditor of public accounts and treasurer of the state, to do and perform all and every of the duties required to be performed by the auditor and treasurer of the north-western territory, agreeable to an act entitled, "An act to create the offices of a territorial treasurer and of an auditor of public accounts," and also an act entitled, "An act to amend the act entitled, "An act to create the offices of a territorial treasurer and of an auditor of public accounts."

Auditor of public accounts and treasurer of state to perform duties of territorial officers.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 15th, 1803.

CHAPTER XXIII.

An act regulating the mode of taking the enumeration of the white male inhabitants above twenty-one years of age.

Duties of
listers of tax-
able prop-
erty.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That it shall be the duty of the listers of taxable property in the several townships of the respective counties within this state, and it is hereby made their duty, to take an enumeration of all white male inhabitants above the age of twenty-one years; before the taking of such enumeration the said lister shall take an oath or affirmation, before some justice of the peace of their respective township; the oath or affirmation shall be, "You A. B., do solemnly swear or affirm (as the case may be) that you will make a just and true enumeration of all white male inhabitants above twenty-one years of age, within (here insert the township) and make a true return thereof to the clerk of the court of common pleas of the county of (here insert the county) within the time prescribed by this act, to the best of your abilities." The first enumeration shall commence on the first Monday of August next and on the first Monday of May every fourth year afterwards, and shall be closed within thirty days after the commencement thereof. The several

listers shall, within forty days after the commencement of the enumeration, make to the clerk of the court of common pleas an accurate return of all white male inhabitants, above the age of twenty-one years, within their several townships.

To make return to the clerk of court of common pleas.

Sec. 2. *And be it further enacted,* That if any lister of taxable property shall die, remove, or be in any ways unable to perform the aforesaid duties, the trustees or managers of the township shall, on information thereof, proceed to appoint some other person in room of such lister so as aforesaid deceased, removed, or unable to serve, and give him notice of such his appointment, who shall take the same oath and discharge the same duties, under the same penalties as by this act is required and imposed on the lister of taxable property.

Managers to appoint a person to perform the duties of clerk.

Sec. 3. *And be it further enacted,* That if any lister or person appointed as aforesaid, shall fail to make return, or make a false return, through neglect or design, of the enumeration of his township, to the clerk of the court of common pleas of his county, within the time limited by this act, he shall forfeit the sum of thirty dollars.

Penalty for neglect or making a false return.

Sec. 4. *And be it further enacted,* That the clerks of the courts of common pleas respectively, shall file the several returns made as aforesaid and carefully preserve the same,

The clerks to file the returns.

And transmit the aggregate to the speaker of the senate.

Penalty for neglect.

and shall transmit, under their hands and seals of their counties, to the speaker of the senate, within ten days after the commencement of the session of the general assembly next ensuing, the aggregate amount of all white male inhabitants, above the age of twenty-one years, within their respective counties, agreeably to the returns to them made as aforesaid; and if any clerk of the court of common pleas shall neglect or refuse to perform all or any of the duties aforesaid, imposed on him by this act, he shall forfeit and pay for every such offense, a sum not exceeding three hundred dollars.

Lister to enumerate all white male inhabitants within his township.

Sec. 5. *And be it further enacted*, That the lister shall enumerate all white male inhabitants, above twenty-one years of age, whose usual place of abode shall be in any family within his township, and all who shall be found in his township without a settled place of residence in any township, but are inhabitants of the county at the time of taking the enumeration.

Penalties recovered by action of debt, etc.

Sec. 6. *And be it further enacted*, That all penalties imposed by this act, shall be recovered with costs of suit, by action of debt, *qui tam* or indictment, in any court having cognizance of the same; when the prosecution shall first be commenced on behalf of the county alone, the whole shall accrue to its use.

Sec. 7. *And be it further enacted,* That there shall be allowed and paid to each lister or person appointed to take the enumeration, the sum of one dollar and twenty-five cents for each day he may be employed in taking the enumeration, and eight cents per mile for his travel from the place of his abode to the county seat, in making his return to the clerk of the court of common pleas: *Provided,* That if the enumeration be made at the same period that the list of taxable property is taken, then and in that case the lister shall only be allowed for his travel in making the return aforesaid, to be paid on the order of the associate judges out of the respective county treasuries.

Compensation
to
the lister

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16th, 1803.

CHAPTER XXIV.

An act to regulate elections.

Elections
for gov-
ernor, etc.,
to be held
in con-
formity to
this act.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That all elections hereafter to be held for governor, sheriffs, coroners, senators and representatives to the general assembly, and representatives to congress, shall be held and conducted in the manner prescribed in this act.

Each
township
an elec-
tion dis-
trict.

Sec. 2. *And be it further enacted,* That each township now or hereafter to be erected in the several counties, shall compose an election district, and the courts of common pleas in their respective counties are hereby authorized and required, at their first term, to name a certain house in each township, as nearly central to the inhabitants as circumstances and conveniences will admit, at which the electors shall meet, when and as often as they may be required to vote for the officers hereby authorized to be elected.

Sheriffs to
provide
election
boxes.

Where de-
posited,
with a
copy of
the laws.

Sec. 3. *And be it further enacted,* That the sheriffs of the several counties shall cause to be procured, at the expense of the proper county, a number of boxes equal to the number of townships in such county, and shall cause the same to be deposited, together with a copy of the laws passed at the present session of the legislature, at the places where elec-

tions are directed to be holden, there to remain for the use of the electors of such township.

Sec. 4. *And be it further enacted,* That each box to be provided as aforesaid, shall be of a size sufficient to contain the ballots of the township where it shall be deposited, and shall have a lid secured with brass or iron hinges, and a lock and key, through the lid thereof shall be an aperture of a size calculated to admit a single ticket at a time, and beneath it shall be placed an iron spring bolt, so as to close the aperture and exclude the admission of any thing into the box after the close of the poll.

Construction of the boxes.

Sec. 5. *And be it further enacted,* That it shall be the duty of the sheriff, and he is hereby authorized and required, fifteen days at least before the holding of any general election, or ten days before the holding of any special election, to give public notice, by proclamation throughout his county, of the time and several places of holding such election, and the number of officers at that time to be chosen, one copy of which shall be set up at each of the places where the elections are appointed to be holden.

Sheriff to give public notice by proclamation.

Sec. 6. *And be it further enacted,* That all elections to to holden under this act, the poll shall be open at the hour of ten in the

Hours of opening and

closing
elections.

morning and close at the hour of four in the afternoon of the same day.

Choice of
judges,

Sec. 7. *And be it further enacted,* That at the hour of nine in the morning of the election, three persons having the qualifications of electors, shall be chosen, *vive voce*, by the electors present, to act as judges of that election, and the judges thus chosen shall choose two other persons, having the like qualifications, to act as clerks thereof.

and clerks.

Penalty on
refusing to
act.

Sec. 8. *And be it further enacted,* That if any person chosen to act as judge or clerk as aforesaid, shall refuse or neglect to be sworn or affirm, or to act in such capacity, the place of such person shall be filled in manner prescribed in the preceding section; and the person refusing or neglecting, shall forfeit and pay ten dollars, for the use of the county, to be recovered with costs, before any justice of the peace of the proper county, in an action of debt.

Judges and
clerks to
be sworn.

Sec. 9. *And be it further enacted,* That previous to any votes being received, the judges and clerks shall severally take an oath or affirmation in the following form: "I, A B, do solemnly swear (or affirm as the case may be) that I will perform the duties of a judge of this election (or clerk as the case may be) according to law and to the best of my abilities, and that I will studiously en-

Oath.

deavor to prevent fraud, deceit or abuse, in conducting the same."

Sec. 10. *And be it further enacted*, That the person or persons who shall administer the said oaths or affirmations, shall cause an entry thereof to be prefixed to the poll books in words to the following effect: "I do hereby certify, that A B, C D, and E F, judges, and G H and I K, clerks of the election, held in the _____ township of _____ county, on Tuesday the — day of _____ anno domini, one thousand eight hundred and _____ were severally sworn as the law directs, previous to entering upon the duties of their respective offices;" which certificate shall be subscribed by the person administering the said oaths and be considered a part of the record of the election.

Persons administering oaths, etc., to prefix entry to poll books.

Form thereof.

Certificate to be considered part of the record.

Sec. 11. *And be it further enacted*, That in case there shall be no justice of the peace present at the opening of the election, or in case such justice be chosen judge or clerk, it shall be lawful for the judges, and they are hereby authorized and empowered to administer the oaths or affirmations to each other and to the clerks.

Judges authorized to administer oaths to each other, and clerks in certain cases.

Sec. 12. *And be it further enacted*, That each of the said clerks shall furnish himself with a poll book, which shall be headed with words importing, that it is a poll book of the election, held in the _____ township of

Clerks to furnish themselves with poll books.

_____ county, on the _____ day of _____
anno domini, one thousand eight hundred
 and _____.

Votes to
 be by bal-
 lot.

Sec. 13. *And be it further enacted*, That each elector shall openly and in full view, deliver to one of the judges of the election, a single ballot or piece of paper, on which shall be written or printed, in an intelligible manner, the name or names of the person or persons voted for, with a pertinent designation of the office which he or they may be intended to fill; but no elector shall vote except in the township in which he resides.

How given
 in and

Sec. 14. *And be it further enacted*, That the judge to whom any ticket shall be delivered, shall upon the receipt thereof, pronounce with an audible voice, the name of the elector, and if no objection be made to him and the judges be satisfied that the elector, is legally entitled to vote at that election, he shall immediately put the ticket into the box, without inspecting the name or names written thereon.

how dis-
 posed of.

When ob-
 jections
 are made
 to electors,
 judges to
 examine
 them on
 oath.

Sec. 15. *And be it further enacted*, That when objections are made to an elector, and in all other cases where the qualification of a person to vote is a fact unknown to either of the judges, they shall have power to examine such person on oath or affirmation, touching his qualification as an elector, which oath or

affirmation either of the judges is hereby authorized to administer.

Sec. 16. *And be it further enacted,* That at the close of the poll, the poll books shall be signed by the judges and attested by the clerks, and the names therein contained shall be counted and the number set down at the foot of the poll books in writing.

Poll books
to be signed.

Sec. 17. *And be it further enacted,* That after the poll books are signed, the ballot box shall be opened and the tickets or ballots therein contained shall be taken out one at a time by one of the judges, who shall read, distinctly, while the ticket remains in his hand, the name or names contained therein, and then deliver it to the second judge, who shall also read distinctly the name or names therein contained and pass it to the third judge, who shall string it on a thread and carefully preserve the same. The same method shall be observed in respect to each of the tickets in the ballot box, until the number of tickets taken out of the box is equal to the number of names contained in the poll books.

Ballots
canvassed.

To be preserved.

Sec. 18. *And be it further enacted,* That the clerks shall enter in separate columns under the names of the persons voted for, all the votes so as aforesaid read by the judges; which entry shall be made in a part of each poll book reserved for that particular purpose.

Clerk's
duty.

Two ballots folded,
etc., together,
fraudulent.

Sec. 19. *And be it further enacted,* That where two or more ballots are found folded or rolled together, it shall be considered as conclusive evidence of their being both fraudulent.

When more names are
contained than re-
quired,
fraudulent.

Sec. 20. *And be it further enacted,* That if a ballot shall be found to contain a greater number of names for any one office than the number of persons required to fill such office, it shall be considered fraudulent as to the whole of the names designated to fill such office, but no further.

Where
less, not
fraudulent.

Sec. 21. *And be it further enacted,* That a ballot shall not be adjudged fraudulent for containing a less number of names than that authorized to be inserted.

Statement
published.

Sec. 22. *And be it further enacted,* That after the examination of the ballots shall be completed, the number of votes for each person shall be enumerated under the inspection of the judges and set down in writing, and be publicly proclaimed to the people present.

One of the
poll books
sent to the
clerk of
the county.

Sec. 23. *And be it further enacted,* That after canvassing the votes in manner aforesaid, the judges shall enclose and seal one of the poll books, under cover, directed to the clerk of that county where the return is to be made, and the packet thus sealed and directed shall be conveyed by one of the judges (to be determined by lot if they cannot otherwise agree) to the clerk of such county at his office, within

five days from the close of the poll; and if any judge upon whom the lot shall fall to convey the said return, shall refuse or neglect to perform such service, according to the true spirit and meaning of this section, he shall be liable to a penalty of one hundred dollars, and the other poll book, where the same is not otherwise disposed of by this act, shall be deposited with the township clerk, within three days from the day of election, there to remain for the use of those persons who may choose to inspect the same.

Penalty for neglect.

Sec. 24. *And be it further enacted,* That on the sixth day after the day of election (or sooner in case all the returns be made) the clerk of the county taking to his assistance two discreet judges of the common pleas or justices of the peace, or one of each, shall proceed to open the several returns which shall have been made to his office, and to make abstracts of the votes in the following manner: The abstract of votes for governor shall be on one sheet, and being signed by the judges or justices and clerk, or any two of them, shall be deposited in the clerk's office, and a copy thereof, certified under the official seal of such clerk, shall be enclosed and directed to the speaker of the senate. The abstract of votes for representatives to congress, senators and representatives to the general assembly, sheriffs and coroners, shall be made on one sheet, and be.

The clerk's duty on receiving the returns.

ing signed in like manner, shall be deposited in the clerk's office, and a copy thereof certified as aforesaid, shall be enclosed and directed to the secretary of state.

When equal in vote the clerk and judges to determine by lot.

Sec. 25. *And be it further enacted,* That if any number of persons greater than the number of offices required to be filled, shall be equal in votes, the clerk and judges or justices aforesaid, shall determine by lot which of the persons shall be duly elected.

New counties attached to the old.

The poll book to be enclosed to the clerk of the original county;

to be incorporated.

Sec. 26. *And be it further enacted,* That in all cases where a newly erected county, shall remain attached to the original county for the purposes mentioned in the third section of the seventh article of the constitution, one of the poll books of each township of the new county, shall be enclosed under seal, and directed to the clerk of the original county and to him conveyed under the same regulations as are provided in the twenty-third section of this act, and the votes contained in the poll books, thus returned from the townships in the new county shall be considered as proper in every respect to be incorporated with the abstract of votes for such offices as are allowed to be elected by those counties in common, but no further.

The clerk, etc., to adjudge the legality of the returns.

Sec. 27. *And be it further enacted,* That the clerk and judges or justices, so as aforesaid called to his assistance, shall and they are

hereby authorized, to adjudge the legality of the returns from the several townships, so far as the same may be determined from the face or appearance of such returns, subject to an appeal to the court of common pleas of the proper county, in case of the contested election of sheriffs or coroners: *Provided*, Notice of such appeal be entered with the clerk of the county, within twenty days from the day of election, and to that branch of the legislature to which any person may be returned whose election is contested.

Subject to an appeal to the common pleas in case of contested elections.

Notice of appeal to be entered in twenty days.

Sec. 28. *And be it further enacted*, That the clerk shall make out for the sheriff, coroner and each of the senators and representatives to the general assembly, who appear to be duly elected, a certificate of such his election, and shall deliver the same to the person entitled thereto upon demand.

Clerk to make out certificate of election.

Sec. 29. *And be it further enacted*, That if any person shall, either directly or indirectly, give or promise any meat, drink or any other reward, with an intention to procure his election, or the election of any favorite candidate, he shall be rendered incapable for two years, to serve in the office for which he was a candidate, and also forfeit and pay for every such offense, a sum not exceeding five hundred dollars; and if any elector shall corruptly receive such meat, drink or other reward, he shall forfeit and pay for each offense, a sum

Bribery, etc., at elections, how punished.

Penalty
for de-
ceiving an
elector
that can-
not read

not exceeding one hundred dollars; and if any person shall furnish an elector, who cannot read, with a ticket informing him that it contains names different from those which are written or printed therein, with an intent to induce him to vote contrary to his inclination, he shall forfeit and pay a sum not exceeding one hundred dollars.

Of con-
tested
elections.

Notice in
writing to
be given.

Sec. 30. *And be it further enacted*, That if any candidate or elector of the proper county, chooses to contest the validity of any election or the right of any person proclaimed duly elected, to his seat in the senate or house of representatives, such person shall give notice thereof, in writing, to the persons whose election he intends to contest, or leave a written notice thereof at the house where such person last resided, within twenty days after the election, expressing the points on which the same will be contested and the names of the two justices of the peace who will officiate at the taking of depositions, and when and where they will attend to take the same: *Provided*, That the time fixed upon for taking such depositions, shall not exceed thirty days from the day of election. And the said justices or either of them, shall have power and they are hereby authorized and required, to issue *subpoenas* to all persons whose testimony may be required by either of the parties, commanding such person to appear and give testimony at the time and place therein mentioned, under the penalty

of fifty dollars, to be levied on each and every delinquent who hath been duly served with process. And the said two justices, when met, shall hear and certify, under seal, all testimony relative to such contested election, to that branch of the general assembly where the person whose seat is contested may be returned to serve at their next session. No person shall contest any election, unless he is an elector of that county from which the person is returned to serve. No testimony shall be received by the justices, on the part of the person contesting the election, which does not relate to the point specified in the notice, a copy of which notice, attested by the person who delivers or serves the same, shall be delivered to the said justices and by them transmitted to the legislature, with the other documents.

Testimony,
how to be
taken.

Qualifica-
tions of a
contester.

Sec. 31. *And be it further enacted,* That the method to be pursued in contesting the election of any person proclaimed sheriff or coroner, shall in every respect be similar to the method directed as aforesaid, to be pursued in contesting the election of a senator or representative to the general assembly, save only that the testimony taken as aforesaid and all matters relative to such contest, shall be sent to the court of common pleas of the proper county, on or before the second day of the term next ensuing the thirty days allowed, in which to take depositions by the preceding

Sheriff,
etc., elec-
tions con-
tested to
be deter-
mined by
the court.

sections. And the said court of common pleas, at their said first term after thirty days aforesaid have expired, shall hear and determine the said contest.

Secretary
of state's
duty on
receiving
the re-
turns.

Sec. 32. *And be it further enacted,* That within thirty days after the day of election, or sooner in case returns are received from all the counties, the secretary of state, in the presence of the governor, shall open the returns made to him, and after ascertaining the number of votes given to different persons or representatives to congress, he shall give to the person having the highest number of votes, a certificate of his election, which certificate shall be signed by the governor, sealed with the great seal and countersigned by the secretary of state.

Compensa-
tion for
carrying
poll book.

Sec. 33. *And be it further enacted,* That the judges who carry the poll book, shall be entitled to receive for the same, such compensation as shall be allowed to them by the commissioners of their respective counties, to be paid on the order of such commissioners, out of the respective county treasuries.

Penalty for
forswear-
ing.

Sec. 34. *And be it further enacted,* That if any person from whom an oath or affirmation shall be required, under any of the provisions of this act, shall forswear himself, he shall, upon conviction thereof, be taken and deemed to be guilty of perjury and punished accordingly.

Sec. 35. *And be it further enacted*, That if any person or persons, charged with any duty under this act, shall refuse or neglect to perform such duty, according to the true spirit and meaning of this act, he shall upon conviction thereof, before any court where the same may be cognizable, be fined in any sum, at the discretion of the court, not exceeding two hundred dollars.

Penalty
for neg-
lecting the
duties of
this act.

Sec. 36. *And be it further enacted*, That all fines and penalties imposed by this act and not herein otherwise provided for, shall be recovered with costs of suit, by an action of debt, *qui tam*, or by indictment, in which case the whole shall be for the use of the county.

How re-
covered.

and ap-
plied.

Sec. 37. *And be it further enacted*, That the act, entitled, "An act to ascertain the number of free white male inhabitants of the age of twenty-one, in the territory of the United States north-west of the river Ohio, and to regulate the election of representatives for the same;" and also the act to amend the same, be, and they are hereby severally repealed.

Repealing
clause.

MICHAEL BALDWIN,

Speaker of the house of representatives.

NATH. MASSIE,

Speaker of the senate.

April 15th, 1803.

CHAPTER XXV.

An act creating the office of county surveyor and defining the duties thereof.

Court of
common
pleas to
appoint
county
surveyors.

To exam-
ine them.

Appoint-
ment cer-
tified to
the gov-
ernor.

To be com-
missioned.

To take
oath.

To give
bond with
sureties.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That it shall be the duty of the court of common pleas in each and every county within this state, at their first session after this act takes effect, to appoint some person within their county, who is well qualified to act as county surveyor, and it shall be the duty of said court to examine, or cause to be examined, each and every person who shall apply for said appointment, and appoint some one who shall appear qualified to perform the several duties herein after directed, and shall forthwith certify such appointment, under the seal of said court, to the governor, who shall thereupon be authorized to grant a commission to the person so appointed by the court; and the surveyor, after having received such commission, shall take an oath or affirmation, before some judge of the court of common pleas or justice of the peace, to be certified on his said commission, truly and faithfully to discharge the several duties of a county surveyor, to the best of his skill and judgment; and having given bond with one or more sufficient sureties, in the penalty of one thousand dollars, payable to the governor and his suc-

cessors in office, for the use of all parties concerned, to whom any damage shall accrue through the neglect or misconduct of such surveyor, conditioned for the true and faithful performance of the several duties of a county surveyor, agreeable to law, he shall be qualified to proceed to the execution of his said office.

Sec. 2. *And be it further enacted.* That it shall be the duty of the surveyor of each county, to survey all lands which have been or hereafter may be sold for taxes, within said county, on the application of any person producing him a certificate from the proper officer, agreeable to law.

To survey
land sold
for taxes
on applica-
tion.

Sec. 3. *And be it further enacted,* That no resurvey hereafter made by any person, except the county surveyor or his deputy, shall be considered as legal evidence in any court of law or equity within this state, except such surveys as are made by mutual consent of parties: *Provided always,* That where it shall appear that the county surveyor is interested in any survey, the title of which is disputed before the court, they shall direct the resurvey to be made by some capable person who is in no wise interested, who shall return the said resurvey to the court on oath or affirmation: *Provided also,* That the provisions of this section shall not extend to, or have effect in, that

Where
county
surveyor
interested,
the court
to appoint
a capable
person.

Proviso, as
to land
within
Judge
Symmes'
patent.

part of the Miami purchase for which John C. Symmes obtained the patent from the United States, until the original surveys be regulated and confirmed in the aforesaid tract.

Surveyor
to keep
record.

Sec. 4. *And be it further enacted,* That the surveyor of each county shall keep a correct and fair record of all surveys made by himself and deputies, in a book or books to be by him procured for that purpose; he shall number his surveys, progressively, and shall also file and preserve a copy of the calculation of each survey, endorsing thereon its respective number; a copy of any survey shall be furnished by the surveyor to any person requiring the same, on their paying therefor the fee hereafter directed.

Sec. 5. *And be it further enacted,* That the several county surveyors may demand and receive for their services, the following fees, viz.:

For each survey not exceeding fifty acres, the sum of two dollars.

Compensation for
services.

And for every additional fifty acres, at the rate of twenty-five cents.

A plat and certificate, fifty cents.

A copy thereof, twenty-five cents.

Recording each survey, fifty cents.

And for every mile he shall travel going to and returning from the land, by the customary route, six cents.

Sec. 6. *And be it further enacted,* That each chain man or marker, employed by the county surveyor or his deputies, shall, before he commence the duty assigned to him, take an oath or affirmation, faithfully and impartially to execute the duty of chain man or marker, as the case may be; which oath or affirmation the county surveyor or his deputies are hereby authorized and required to administer, and that the expense of chain carriers and markers shall be paid by the party at whose expense the survey is made: *Provided always,* That the party requesting such survey, shall be at liberty to provide the necessary chainmen and marker, to be approved of by the surveyor: *And provided also,* That there shall not be allowed to any chain man or marker, a greater sum than seventy-five cents, for each day he is actually employed.

Chain men
and mark-
ers to take
oath.

Their com-
pensation.

Sec. 7. *And be it further enacted,* That the nineteenth section of the act, entitled, "An act supplementary to an act, entitled, "An act levying a territorial tax on land, and providing for a territorial tax for the year one thousand eight hundred and one," be and the same is hereby repealed; and that this act shall take effect and be in force from and after the first day of June next.

Repealing
clause.

When to
take ef-
fect.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 15th, 1803.

CHAPTER XXVI.

An act to amend an act, entitled, "An act to regulate county levies."

Objects of
taxation
to defray
county ex-
penses.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That all houses in towns, town lots and out-lots of whatsoever value: *Provided,* That no school or ministerial lands shall be subject to pay a tax by this law, and all mansion houses in the country which shall be valued at two hundred dollars and upwards, all water mills, stud horses and other horses, mares three years old and upwards; all neat cattle three years old and upwards, within this state, are hereby declared subject to taxation, for the purpose of defraying the expenses of the respective counties in which they may be found, to be levied and charged to the proper owner or occupier, in the manner and proportion following, to-wit: On houses in towns, town lots and out-lots, dwelling houses in the country and mills as

Rate of
taxation to
be observ-
ed.

aforesaid, any sum not exceeding fifty cents for every hundred dollars they may be appraised to by the lister of property hereinafter mentioned; on every horse, mare, as aforesaid, any sum not exceeding thirty cents; on all neat cattle, as aforesaid, any sum not exceeding twelve and an half cents; on every stud horse above four years old, the sum for which he covers one mare for the season.

Sec. 2. *And be it further enacted,* That the tax imposed on ferry keepers and retailers of merchandise, by an act, entitled, "An act to regulate county levies," also the tax imposed on tavern keepers, by the act, entitled, "An act to regulate taverns and public houses of entertainment," are hereby declared to be continued in force, and the moneys arising therefrom to be applied in the same manner as by the said act is directed.

Tax on ferry keepers, retailers and tavern keepers, to be continued.

Sec. 3. *And be it further enacted,* That all the powers granted and duties assigned by the act, entitled, "Act to regulate county levies," to the board of commissioners therein mentioned, are hereby delegated and assigned to the associate judges of the respective counties, or any two of them, who are hereby authorized and required to execute and perform the same, except so much of the said duties as relates to appeals taken by any

Power of commissioners assigned to the associate judges.

person from the decision of the commissioners aforesaid.

Duties of
the court
of quarter
sessions of
the peace
in certain
cases.

Sec. 4. *And be it further enacted,* That all the powers heretofore given and the duties assigned by any law now in force to the court of general quarter sessions of the peace, relative to laying off highways, altering and regulating the same, erecting court-houses, jails, bridges and stray pens, granting licenses to tavern and ferry keepers, are hereby delegated and assigned to the said associate judges or any two of them, who are hereby required to perform the same, for which purpose they shall assemble themselves at the place for holding courts in the several counties, on the next judicial day after the court of common pleas shall have adjourned, and continue by adjournment from day to day, until the business before them be finished.

Duty of
the clerks
of court of
common
pleas.

Sec. 5. *And be it further enacted,* That it shall be the duty of the clerks of the respective courts of common pleas to attend the said judges while they are performing the duties enjoined by the fourth section of this act, and make all necessary entries and records of their proceedings, under the direction of said judges, and issue all such orders as have heretofore been made and issued by the clerks of the courts of general quarter sessions of the peace, and receive the same compensation as by law they are entitled to receive.

Compensa-
tion.

Sec. 6. *And be it further enacted,* That the listers of property in the several townships within this state, are hereby empowered and required to demand and receive from every person owning or occupying any of the property hereby declared subject to taxation, a written list thereof, which list shall be signed by the persons giving the same; and it shall be the duty of the said listers, to make out two fair copies of the property so listed in alphabetical order, in form following :

Listers to demand and receive a list of taxable property.

Time of taking list.	Persons names.	No. houses.	Value.	No. of lots.	Value.	No. of mills.	Value.	No. of horses.	No. of cattle.	Stud horses.	Rate the season.	Sum total.	Form thereof.
	B. A.	1	50	3	80	1	500	4	10	1	5	10	

One of which copies shall be transmitted to the said judges, on or before the first of August, and the other copy shall, within the same period, be transmitted to the clerk of the township free to the inspection of all persons desiring to see the same.

Copies, how disposed of.

Sec. 7. *And be it further enacted,* That it shall be the duty of the associate judges in their respective counties, at the time and place they are required to meet, to lay off their respective counties into townships; to appoint

County
treasurer
to be ap-
pointed.

one suitable person as treasurer for said county, who shall, previous to entering on the duties of his office, give bond with approved security, for the faithful performance thereof; and shall perform the same duties, be subject to the same penalties as are provided in the before recited act, and be entitled to receive for his services a sum not exceeding three per centum on all moneys by him received and accounted for: *Provided however*, That the whole expense of collecting, receiving and paying, shall not exceed nine per centum on the moneys received and accounted for.

Compensa-
tion.

Treasurer
to deliver
books to
his succe-
sor.

Sec. 8. *And be it further enacted*, That the several county treasurers within the state, are hereby required to deliver to the treasurer, appointed agreeable to this act, all books and papers belonging to their respective offices, together with all moneys then in their possession as treasurers; and the several treasurers appointed in pursuance of this act, shall give their receipts for the same, a copy of which receipts shall, by the said former treasurer, be delivered to the judges aforesaid.

To give re-
ceipt.

Duty of
the court
of common
pleas, at
their fall
session.

Sec. 9. *And be it further enacted*, That the courts of common pleas, at their fall session annually, shall direct the grand jury then sitting, to select out of their own body, three judicious persons, to be named after such choice is made, by the foreman to the court, whose duty it shall be to examine all the books

and papers in possession of the clerk aforesaid, relative to the duties of the judges and clerk aforesaid, enjoined by this act, and make out and publish such report of their proceedings, as to the said jurors may appear just and proper.

Sec. 10. *And be it further enacted*, That all laws and parts of laws, coming within the purview of this act, be and the same are hereby repealed. Repealing
clause.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16th, 1803.

CHAPTER XXVII.

An act to provide for the election of a representative to Congress.

One person to be elected representative.

Election to be held in townships on 1st of June.

Duty of clerks of court common pleas.

Governor to make out certificate.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That there shall be elected one person; having the qualifications required by the constitution, to represent the people of this state, in the house of representatives of the United States, for two years, commencing on the fourth day of March last. The election shall be held in the respective townships of this state, on the twenty-first day of June next, and conducted in the same manner as the election for members of the general assembly; and the respective clerks of the several courts of common pleas shall, within ten days next after the returns are made from the townships in that county of which he is the clerk, proceed to make out a fair abstract, containing the names of the candidates, with the number of votes given to each; which abstract shall be signed by the clerk of the court of common pleas, and by him enclosed and sent to the governor of the state, whereupon the governor shall make out for the person having the greatest number of votes, a certificate of his being duly elected to represent the state of Ohio in the house of representatives of the United States.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16th, 1803.

CHAPTER XXVIII.

An act to regulate the election of justices of the peace, and for other purposes.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio, That the associate judges of the court of common pleas in each and every county within the state, shall meet on the tenth day of May next, at the places where the courts are to be held, and shall proceed to lay out their counties respectively, into a convenient number of townships.*

Associate judges to lay off counties into townships.

Sec. 2. *And be it further enacted, That the judges aforesaid shall, at the time and places aforesaid, proceed to appoint to each township, a proper number of justices of the peace, who shall be elected on the twenty-first day of June, at such place in each township as the said judges may direct, agreeable to the provisions of an act, entitled, "An act, direct-*

Justices to be elected 21st of June.

Manner of
conduct-
ing con-
tested
elections.

ing the mode of conducting elections," except as to the mode of contesting elections, which shall be as follows, viz: If any candidate or elector of the township in which the election was held, thinks proper to contest the validity of his or their election who was proclaimed elected, he or they intending to contest, shall make it known to one of the judges of the court of common pleas, within ten days after such election, and the points on which he means to contest such election, whose duty it shall be to communicate the same to him or them, whose election is contested (as the case may be) citing him or them to appear on such a day, at some convenient place appointed by the judge aforesaid, allowing the person whose election is contested ten days notice of such contested election, specifying the name of the person who contests the same.

Judge to
summon
three free-
holders.

Sec. 3. *And be it further enacted,* That it shall be the duty of the judge of the court of common pleas, on the same day that he issues notice to the person or persons whose election is contested, to issue a summons to three respectable freeholders, whom he may appoint, making known to them the cause of such summons, which shall be directed to some person who shall be appointed constable for that special purpose, whose duty it shall be to serve the same.

Sec. 4. *And be it further enacted,* That

when said freeholders have met, under oath or affirmation, which shall be taken previous to their sitting, before any judge of the court of common pleas, shall then proceed to hear and try such contested election, agreeable to evidence, make a report in writing, signed by each of the said freeholders, and transmit the same to the clerk of the proper county, within ten days after the decision of such contested election.

Duty of
freehold-
ers sum-
moned.

Sec. 5. *And be it further enacted,* That the justices of the peace so elected, shall continue in office for three years from the date of their commissions, and until successors are chosen and qualified.

Justices
elected
for three
years.

Sec. 6. *And be it further enacted,* That the associate judges of the court of common pleas in each and every new county, and the sheriffs of the old counties, shall cause to be procured, at the expense of the proper county, one box for each township, agreeable to the provisions of the act last before mentioned: *Provided always,* That the said boxes shall be deposited in the manner directed by the said act, at least five days before the twenty-first day of June aforesaid.

Sheriffs,
etc., to
procure
ballot
boxes.

How dis-
posed of.

Sec. 7. *And be it further enacted,* That in all cases when an election for township officers was not held on the first Monday of April, agreeable to the provisions of "An act to establish and regulate township meet-

Where
elections
not held
on 1st Mon-
day of
April,

to be held
on 21st day
of June.

ings," or when by reason of the erection of new counties or townships, vacancies take place, the qualified electors of any such township shall, on the said twenty-first day of June, and at the same place where elections for justices of the peace are held, proceed to elect the proper number of township officers, by filling the vacancies which may have happened as aforesaid, or in case of new townships where no officers have been elected, to elect the number provided by the said act, and the officers thus elected shall serve until the next general election for township officers takes place, agreeable to the provisions of the aforesaid act, and until successors are chosen and qualified, according to law.

To serve
until next
general
election.

Notice to
be given of
number of
justices to
be chosen,
in each
township.

Sec. 8. *And be it further enacted,* That the judges aforesaid shall, within ten days after the day appointed for their first meeting by virtue of this act, cause to be set up, notices, in writing, signed by them, at three of the most public places in each township in the proper county, which notices shall state the number of townships established in such county respectively, the number of justices of the peace to be elected in each township, and the place at which such election will be held, and if the said judges or any of them, or any other person required to do or perform any duties by virtue of this act, shall neglect or refuse so to do, the person so offending shall forfeit and pay any sum not exceeding four hundred

Penalty on
neglect.

dollars, to be recovered in an action of debt or *qui tam*, before any court having cognizance of the same.

Sec. 9. *And be it further enacted*, That all actions pending and judgments unsatisfied, now remaining on the docket of any and every justice of the peace (in this state commissioned under the territorial government) shall be regularly made out in a fair abstract or statement, by the said justices respectively, duly certified and signed, and delivered over to any one of the justices of the peace for said township, on or before the tenth day of July next, which said justice, after receiving the same abstract or record, at the request of either party, is hereby authorized and required to proceed thereon, in the same manner as if the cause or causes had been commenced or judgment had before himself; and each justice is hereby authorized to issue writs of execution or *scire facias*, and such other process, generally, as are necessary to administer justice and to carry his judgments into execution, as fully as a court of record might or could do.

Actions, etc., pending, to be delivered over to justice of the peace of the township.

Who is to proceed thereon.

And empowered to issue *scire facias*, etc.

This act to take effect and be in force, from and after the second day of May next.

Commencement of this act.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16th, 1803.

CHAPTER XXIX.

An act to incorporate the owners and proprietors of half million acres of land, lying south of Lake Erie, in the county of Trumbull.

Preamble.

Whereas, the general assembly of the state of Connecticut, at their session holden in Hartford, in said state, on the second Thursday of May, *anno domini*, 1792, by their resolve, released and quitclaimed to certain persons therein named, and to their legal representatives where they are dead, and to their assigns forever, five hundred thousand acres of land, then belonging to said state, lying west of the state of Pennsylvania, bounded northerly on the shore of Lake Erie, beginning at the west line of said land, then belonging to said state of Connecticut, and extending eastwardly to a line running northerly and southerly, parallel to the west line of said land, then belonging to said state, and extending the whole width of said land, eastwardly of said west line, so far as to make the quantity of five hundred thousand acres, to be divided among the persons therein named and their legal representatives, when they were dead, in proportion to the several sum or sums annexed to their respective names, as a compensation for their losses, sustained by the incursions and depredations of the British army in the towns of Green-

wich, Fairfield, Danbury, Ridgefield, Norwalk, New Haven and East Haven, New London and Groton, in said state of Connecticut. And whereas the general assembly of said state, at their sessions holden at New Haven in said state of Connecticut, on the second Thursday of October, *anno domini*, 1796, incorporated the owners and proprietors of said half million acres, with full power to do and transact all business of said company necessary to be done; and whereas said state of Connecticut, by their proper deed, have since duly ceded to the United States all their juridical right in and to said half million acres, which cession has been duly accepted by the Congress of the United States, and said land annexed to the government of the state of Ohio. And whereas said half million of acres of land are now within the limits of the county of Trumbull, in said state, and are still subject to Indian claims of title; wherefore, to enable the owners and proprietors of said half million acres of land to purchase and extinguish the Indian claim of title to the same (under the authority of the United States when the same shall be obtained) to survey and locate the said land and to make partition thereof, to and among said owners and proprietors, in proportion to the amount of losses which is or shall be by them, respectively owned: Therefore,

Preamble
continued.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That the own-

Body politic and corporate established.	ers and proprietors of said half million acres of land be, and they hereby are, ordained and constituted a body politic and corporate, in fact and in name, by the name of "The proprietors of the half million acres of land, lying south of Lake Erie, called sufferers' land," and by that name they, their heirs and assigns, may and shall have succession, capable of suing and being sued, of pleading and being impleaded.
Name and style.	
Nine persons to represent the suffering towns.	<p>Sec. 2. <i>And be it further enacted,</i> That there be a board of directors for said owners and proprietors, consisting of nine persons, one of whom is to represent each of the respective suffering towns aforesaid, except the town of New London, which town shall have two votes in said directors, and in case of the absence of one of the directors from said town, the attending directors shall give the two votes; any five of whom shall have power to do the business of the said company, and also have power to appoint a chairman, clerk, treasurer and collector or collectors, and said directors, clerk, treasurer and collector or collectors, shall be by some magistrate, justice of the peace or notary public, severally sworn to a faithful discharge of their respective offices, all of whom shall continue in office until others are appointed and sworn in their room, and that said treasurer and collector or collectors, shall become bound to said directors in such penal sum as said directors think necessary</p>
Five of whom may do the business of the company, etc.	
to be sworn.	
To give bond.	

by bond with surety, conditioned for the faithful performance of their respective offices; and that said directors, for and in behalf of said proprietors, be and they are hereby authorized (whenever and as soon as they shall obtain permission under the authority of said United States to hold treaty) to adopt and prosecute measures to extinguish the Indian claim of title in and to said half million acres of land; to survey and locate the same into townships or otherwise, and to make an exact partition thereof, to and among the owners and proprietors thereof and their assigns, in proportion to the amount of the loss or losses by them respectively owned, at the time of making such partition, in such way and manner as said board of directors shall order; and they are hereby authorized to fill all vacancies in said offices; and that to defray all necessary expenses of said company in purchasing and extinguishing the Indian claim of title, surveying, locating and making partition thereof as aforesaid, and all other necessary expenses of said company, power be and the same is hereby given to and vested in, said directors and their successors in office, to levy a tax or taxes (two-thirds of the said directors present agreeing thereto) on said land, and have power to enforce the collection of the same: *Provided*, That no tax shall be levied but by a vote of two-thirds of the directors present.

Authorized to extinguish the Indian claim when the U. S. gives permission.

To survey the land.

To fill vacancies and levy taxes.

Proviso.

Persons
chosen.

Notice of
meeting to
be given.

When as-
sembled to
be sworn.

Power of
the direc-
tors.

Sec. 3. *And be it further enacted,* That Jabez Fitch of Greenwich, Taylor Sherman of Norwalk, Walter Bradley of Fairfield, Philip B. Bradley of Bridgefield, James Clark of Danbury, Isaac Mills of New Haven and East Haven, Elias Perkins and Guy Richards of New London, and Star Chester of Groton, be and they are hereby constituted and appointed the first directors for said company, and may hold their first meeting, after passing of this act, at such time and place as any five or more of said directors shall appoint: *Provided*, such director so agreeing to such first meeting shall give the rest of said directors at least six days notice by summons or other actual notice, previous to said first meeting of said directors, and that said directors, so assembled, being sworn as aforesaid, shall proceed to the choice of a chairman, clerk and other officers, for the purpose aforesaid, and shall have power to adjourn from time to time and from place to place, and to warn future meetings of said directors, at such time and place, and in such manner as they may think proper.

After the
first meet-
ing, the
manner of
choosing
directors.

Sec. 4. *And be it further enacted,* That from and after the first meeting of said directors, the directors shall be chosen once in two years or biennially, from the said towns severally, by the proprietors of said lands holding losses sustained in said towns, each

town to choose one director, except the town of New London, which is to choose two directors, and the time and manner of holding and voting in said election shall be regulated by the said directors, at their first meeting.

Sec. 5. *And be it further enacted,* That it shall be the duty of said clerk to truly enter and record, all votes and doings of said directors, and that he shall, on application, give true copies thereof, and the same being duly certified under his hand and seal, shall in all cases be received and allowed as evidence. Duty of the clerk.

Sec. 6. *And be it further enacted,* That when any tax or taxes be laid as aforesaid, it shall be the duty of the treasurer to grant warrants to said collector or collectors to collect the same, and to account for and pay over the avails thereof, as said directors shall order, and that all sales of lands for taxes to the company shall be made in towns where the losses are sustained. Duty of the treasurer.

Sec. 7. *And be it further enacted,* That it shall be the duty of the collector or collectors to execute all warrants to him or them directed by said treasurer, for collection of any tax or taxes laid by said board of directors. And said collector or collectors, shall give due and reasonable notice of the time when said tax or taxes are or shall be payable to the treasurer of said directors, by advertising the same at Duty of the collectors.

least three weeks successively, in at least one newspaper published in each of the counties of Fairfield, New Haven and New London, in said state of Connecticut, and by giving any further notice in or without said state of Connecticut, as said directors may order, and that said tax or taxes shall be assessed on the original rights or losses, in proportion to each person's respective share or loss, as set in said grant: *Provided*, That said lands only shall be subject to the payment of said tax or taxes; and that when any tax or taxes, after the time limited for the payment thereon remains unpaid, it shall be the further duty of said collector or collectors to give notice of time and place, in manner aforesaid, that he or they shall proceed to sell, at public vendue, so much of the original loss and right of such delinquent proprietor, as will be sufficient to pay said tax or taxes, and all reasonable charges arising thereon, and said notice to be at least sixty days previous to any sale being made by any collector.

The directors may institute suits, etc.

Sec. 8. *And be it further enacted*, That said directors and their successors shall have authority, and are empowered to institute any prosecution, real, personal or mixed, as the case may require, against any person or persons, who shall at any time enter on the said lands, or any part of them, or commit any act of trespass thereon, and pursue such action to final judgment and execution, and to adjust

and settle the accounts of the former incorporation and to bring the officers and servants of said former incorporation to account and final settlement by suits at law or otherwise.

Sec. 9. *And be it further enacted,* That all sales of rights, or parts of rights, of any owner or proprietor in said half million acres of land made by any collector as aforesaid, shall be good and valid so as to secure an absolute title in the purchase, unless the said owner and proprietor shall redeem the same within six calendar months next after the sale thereof, by paying the tax or taxes for which the said right or rights or parts thereof, had been sold, with twelve per cent. interest thereon and costs of suit.

Sales by collectors valid, unless redeemed in six months.

Sec. 10. *And be it further enacted,* That said directors shall have power and authority, and the same is hereby given to them and their successors, to do whatever shall to them appear necessary and proper to be done, for the well ordering and interest of said owners and proprietors, not contrary to the laws of this state.

Power of the directors.

Sec. 11. *And be it further enacted,* That it shall be the duty of the said directors to state the accounts of said corporation, annually, and leave the same in the hands of the treasurer for the inspection of any of said proprietors, and supplies of money which shall remain in the hands of the treasurer after the

Further duty of the directors.

Surplus
money,
how ap-
propriated.

Indian title shall be extinguished and said land located and partition thereof made, shall be used by said directors, for the laying out and improving the public roads in said tract, as this assembly shall direct.

Continu-
ance.

Sec. 12. *And be it further enacted*, That this act shall be and remain the public act during the pleasure of this assembly.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 15th, 1803.

CHAPTER XXX.

An act establishing the salaries of certain officers therein named.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the several officers herein after mentioned shall, for their respective services, be entitled to the following salaries, annually, to commence from the acceptance of their several appointments and actually qualifying themselves according to law, to be paid out of the public treasury in quarterly payments, after the same shall have been audited to law.

Salaries
to com-
mence
from the
actual
qualifica-
tion.

Paid quar-
terly.

To the governor, the sum of nine hundred dollars.

To the judges of the supreme court, each nine hundred dollars.

To the presidents of the court of common pleas, each seven hundred and fifty dollars.

To the auditor, including stationery, office and clerk hire, seven hundred dollars.

To the treasurer, including stationery, office and clerk hire, four hundred dollars.

To the secretary of state, four hundred dollars.

To the attorneys prosecuting for the state in

each county, such sum to each as shall be allowed by the court of common pleas of the proper county, to be paid on the certificate of the court, out of the county treasury.

Fees of
clerks of
supreme
court and
common
pleas.

Sec. 2. *And be it further enacted,* That the clerks of the supreme court shall be entitled to the same fees for their services, as the clerk of the general court was entitled to receive, by the act, entitled, "An act regulating the fees of civil officers and for other purposes," passed the twenty-third day of January, eighteen hundred and two; and the clerks of the courts of common pleas shall be entitled to the same fees as were allowed to the clerks of sessions and prothonotaries of the court of common pleas, for similar services under the act aforesaid.

Auditor to
issue war-
rants
quarterly
on certain
days.

Sec. 3. *And be it further enacted,* That the auditor of public accounts shall issue warrants for the quarterly payment of the salaries of every person entitled thereto, as the same shall become due, on the last day of March, June, September and December, annually, expressing in such warrant that the same is in whole or in part of the first, second, third and fourth quarterly salary, for the year in which it became due. And where any person shall be appointed to any office, his salary due on the fractional part of the quarter in which he was appointed, shall be settled, and thereafter his salary shall become due as aforesaid.

Sec. 4. *And be it further enacted,* That such parts of the several laws of this state as relates to the subject of providing compensation for the attorney general, and the persons prosecuting the pleas in the several counties, be and they are hereby repealed. Repealing
clause.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16th, 1803.

CHAPTER XXXI.

An act incorporating the trustees of the Erie literary society.

Whereas, it has been represented to this assembly, by certain persons, associated under the name of the "Erie literary society," that a number of proprietors of land within the county of Trumbull, are desirous to appropriate a part thereof, to the support of a seminary of learning within said county, and that the intent of such donations cannot be carried into effect without the interference of the legislature, by incorporating a board of trust Preamble.

for the reception and management of any property, real or personal, that may be given for said purpose, and for the establishment and direction of such seminary as soon as funds sufficient shall be collected.

Persons
chosen.

Body poli-
tic and
corporate
estab-
lished.

Name and
style.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That David Hudson, Eliphalet Austin, Henry Champion, John Leavitt, Martin Smith, Ephriam Root, Herman Canfield, John Walworth, John S. Edwards, William Hart, Turhand Cutland, Esq., Solomon Griswold, and the Rev. Joseph Badger, and their successors in office, be and they are hereby created a body politic and corporate, by the name of the "Trustees of the Erie literary society," and as such shall remain and have perpetual succession.

Members.

Majority
necessary
to trans-
act busi-
ness.

Seal of
the cor-
poration.

May sue
and be
sued.

Sec. 2. *And be it further enacted*, That the said corporation shall never consist of less than ten nor more than fifteen members, of whom the president of the seminary shall *ex officio* be one, and a majority of the whole number of trustees shall be necessary to transact any business. They shall have a common seal, which they may alter or renew at pleasure. They shall be capable, in their corporate name and capacity, of suing and being sued, pleading and being impleaded, and of taking and holding by gift, grant, devise or otherwise, any lands or other estate, real or personal.

Sec. 3. *And be it further enacted,* That the said corporation shall have power to lease all lands that may be vested in them, for such term and in such manner as they shall judge best, and the rents and profits thereof, together with such donations of money or other personal estates as they may receive, shall be appropriated to the erection of public buildings for said seminary, to the support of teachers and instructors therein, and to the purchase of such books and philosophical apparatus, as the corporation shall direct: *Provided,* That whenever any donation shall be made to said corporation, wherein the intent of the donor shall be particularly directed, such donation shall be applied conformably thereto.

Powers of
the cor-
poration.

And duty.

Sec. 4. *And be it further enacted,* That as soon as the funds of said corporation become sufficient, they shall cause proper buildings to be erected for a college or academy, and appoint a president and instructors thereof. And the said corporation shall have power to determine the name of the college or academy, and the place where it shall be established; to appoint from time to time a president, professors, tutors, instructors, and other necessary officers of the seminary, and to displace them upon sufficient cause; to point out of their respective powers and duties; to fill any vacancies which may happen by death or otherwise in said corporation or among said

When
funds,
buildings
to be erected.

To appoint
a president.

Fill vacancies.

officers, and to make and ordain such by-laws and regulations for the government of the seminary and its officers, as they shall deem necessary and proper: *Provided*, They are not incompatible with the laws of this state or of the United States.

Make by-laws.

Proviso.

Sec. 5. *And be it further enacted*, That the president, professors, trustees and instructors of said seminary, shall have power to direct the mode and course of education to be pursued therein, to establish rules for the government of the students, which shall be in force until disapproved of by the corporation, and to confer all the degrees and honors usually granted by similar institutions.

Duty of president.

Sec. 6. *And be it further enacted*, That a treasurer of said corporation shall be appointed at their first meeting, who shall give bond with sufficient surety, for the faithful performance of his office, and all process against said corporation shall be by summons, served by leaving an attested copy thereof, at least twenty days before the return, with the treasurer of said corporation. And the said David Hudson is hereby authorized and empowered to fix the time and place for the first meeting of said corporation, of which he shall give notice at least twenty days previous to such meeting.

Treasurer to be appointed.

To give bond with security.

Process, how served.

David Hudson to fix first meeting.

Sec. 7. *And be it further enacted*, That the legislature of this state may grant any

further and greater powers to, or alter, limit or restrain, any of the powers by this act vested in the said corporation, as shall be judged necessary, to promote the best interest and prosperity of the said seminary.

Power of
the legisla-
ture.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16th, 1803.

CHAPTER XXXII.

An act regulating the public salt works.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That an agent be appointed by a joint ballot of both houses for one year, to commence from and after the first day of May next, who shall, previous to entering on the duties of his office, enter into a bond with good freehold security, to the governor and his successors, for the use of the state, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties required by this act.

Agent ap-
pointed
for one
year.

To give
security.

Sec. 2. *And be it further enacted,* That it shall be the duty of the said agent to provide a book or books and open an office at

Open an
office at
the works.

To give
notice
thereof.

the Scioto salt works, on the first day of June next, of which he shall give twenty days notice, by advertisement in the Scioto Gazette, and also at some public place at the said works, and keep said office open to all persons having business to transact therein.

And to
grant li-
cense for
a period
not ex-
ceeding
one year.

Applicant
to produce
a written
list of fur-
naces, etc.

Agent to
file the
same.

Where ap-
plication is
not made
by the oc-
cupier,
agent to
rent.

Sec. 3. *And be it further enacted,* That if any of the occupiers of the furnaces, or wells which may be erected or sunk before the said first day of June, shall choose to continue in the occupancy thereof, they shall, on the day last mentioned, make application to the agent for a license for that purpose, who is hereby required to grant the same for any period not exceeding one year, such applicant first producing to said agent a written list, signed with his name, containing a true account of the furnaces and wells he may then be in possession of, together with the number and capacity of the kettles he intends to use in making salt at said works, which list shall be carefully filed in said office and a fair entry thereof made by said agent in a book to be provided as aforesaid for that purpose; but if any of the occupiers as aforesaid, shall refuse or neglect to make application on the day above mentioned, then it shall be the duty of the said agent to rent such furnaces and wells to any person who may apply therefor, such person first producing a like list as is required of the occupiers aforesaid, whereupon the agent shall grant a license to such applicant in the same manner

as is required in the case of occupiers: *Provided always*, That the occupiers shall have a reasonable time to remove their kettles and other movable property from said furnaces and wells: *And provided also*, that no person or company shall, under any pretense whatever, be permitted to use, at any time, a greater number of kettles than one hundred and twenty, nor less number in any one furnace than thirty kettles. Proviso.

Sec. 4. *And be it further enacted*, That upon application made to the said agent, by any person for privilege to erect furnaces or sink wells at the said salt works, the said agent is hereby required to assign to such applicant a convenient lot or lots for that purpose, taking care that the erection of such furnaces or sinking such wells shall not injure those already erected or sunk; and such new furnaces and wells shall be under the same regulations and the kettles therein subject to the same rent, as is provided in the case of those already erected or sunk. On application, the agent to assign lot or lots for furnaces, etc.

Sec. 5. *And be it further enacted*, That every person obtaining a license as aforesaid, shall pay or cause to be paid to the said agent, quarter yearly, the sum of three cents per gallon, according to the capacity of the kettles or other vessels used in making salt as aforesaid; and for the better securing of said rent, the kettles of each person so renting, shall be consid- Persons licensed to pay agent quarter yearly.

Kettles
bound for
the rent.

ered to stand pledged to the state, until all arrears of rent are satisfied and paid, and any sale thereof made while such rent remains unpaid, shall be deemed void and of no effect.

In case of
failure,
agent to
make dis-
tress and
sale.

Sec. 6. *And be it further enacted,* That when any person or company who may own or occupy any furnace or furnaces, agreeable to the provisions of this act, shall fail to pay the sum or sums which may be due the state, agreeable to law, the agent shall be and he is hereby authorized and required, to make distress on and sale of the property of any such person or company, so failing to make payment: *Provided always,* That the said agent shall in all cases give fifteen days previous notice, in writing, at five of the most public places within the township where the works lies, of any such sale.

Proviso.

Penalty
for making
salt with-
out a li-
cense.

Sec. 7. *And be it further enacted,* That if any person shall, after the said first day of June, make or cause to be made, any salt at the said works, without first obtaining a license therefor, agreeable to the requisitions of this act, such person shall, upon conviction thereof before any court having cognizance of the same, forfeit and pay the sum of five dollars for every such offense, with costs of suit, to the said agent for the use of the state, for each kettle, he, she or they, may use in making salt, contrary to the intent and meaning of this act.

Sec. 8. *And be it further enacted,* That the said agent shall pay to the treasurer of this state, quarter yearly, all moneys which he may receive by virtue of this act. And the treasurer is hereby required to give his receipt for the same, which shall be countersigned by the auditor.

Agent to
pay all
moneys to
the state
treasurer.

Sec. 9. *And be it further enacted,* That it shall be the duty of the agent aforesaid, to ascertain as near as may be, the quantity of salt water requisite to make fifty pounds of salt, and the necessary expenses attending the same, and also to ascertain whether or not, there is contiguous to said works, any considerable quantity of stone coal, and whether it can be used to advantage in boiling said water. Also to examine how far the salt water may extend in said township; likewise to examine the quality of the different sections of land, and whether they are well timbered or otherwise; also to ascertain the number and quality of the dwelling houses and other improvements made on said township, and make a fair and accurate report thereof to the next general assembly, together with the state of the furnaces and number of kettles entered in his office.

Duty of
the agent.

Sec. 10. *And be it further enacted,* That the agent aforesaid, shall receive as a compensation for the duties and services required of him by this act, the sum of one hundred and fifty dollars, yearly, to be audited by the auditor of public accounts and paid by the

Compensation.

treasurer of the state, out of any public moneys not otherwise appropriated. And the said agent shall moreover be allowed such compensation for performing the duties required by the ninth section of this act, as the next legislature may think proper.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 13th, 1803.

CHAPTER XXXIII.

An act incorporating the subscribers of the Miami exporting company.

A corpora-
tion and
body poli-
tic cre-
ated.

Name and
style.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That the present shareholders of the Miami exporting company, together with those who shall hereafter become shareholders, in manner hereinafter directed, shall be and they are hereby created and made a corporation and body politic, by the name, style and title of "The president and directors of the Miami exporting company," and shall so continue until the first day of May, eighteen hundred and forty-

three, and by that name are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to them and their successors in office, lands, rents, tenements, hereditaments, goods, chattels and effects of what kind, nature and quality soever, to an amount not exceeding five hundred thousand dollars, and the same to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts of record or any other place whatsoever, and to make, have and use a common seal, and the same to break, alter and renew at their pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall seem necessary and convenient for the good government of the said corporation, not being contrary to law, and generally to do and execute all and singular the acts, matters and things, which to them it shall appertain to do, subject nevertheless to the rules, regulations, limitations, restrictions and provisions herein after prescribed and declared.

Continuance thereof

Capable of holding property not exceeding a certain amount.

May sue and be sued.

May have a common seal, make by-laws, etc.

Sec. 2. *And be it further enacted,* That the stock holders shall meet annually, at the company's office, on the fourth Tuesday of May, and choose, by ballot, from among themselves, eleven directors, who shall within ten days thereafter, meet at the same place and elect, by ballot, a president out of their own body. The president and directors so ap-

Stock-holders to meet annually and choose directors.

To elect a president out of their own body.

Their con-
tinuance
in office.

pointed, shall continue in office one year and until their successors are chosen: *Provided however,* That the first election of the above named officers shall be held in the manner aforesaid, at such times as the persons herein-after named to receive subscriptions, or a majority of them, shall appoint for that purpose, which they are hereby required to do, within twenty days after notice is given to them of the passing of this act. And the officers thus chosen, shall continue in office until their successors are regularly appointed.

Lawful to
subscribe
for shares.

The cap-
ital not to
exceed a
certain
amount ex-
cept by
consent.

The man-
ner shares
are to be
paid.

Sec. 3. *And be it further enacted,* That it shall be lawful for any person, copartnership or body politic, to subscribe for one or more shares, until the company is complete, the capital or joint stock of which shall not exceed one thousand shares of one hundred dollars each, unless by the assent of a majority of stockholders. The shares shall be payable in manner following, to-wit: Five dollars of each share be payable in cash at the time of subscribing, and forty-five dollars in such kind of produce and manufactures as the president and directors will accept and receive, and at such times and places as they shall appoint, between the time of subscribing and the first day of March next thereafter, and the remaining fifty dollars shall be payable in produce and manufactures, as aforesaid, at such times and places between the last day of July and the first day of March next,

following, as the president and directors shall point out; and it shall be the duty of the president and directors yearly, in the months of June or July, to publish in one or more of the most convenient newspapers, the kind and probable quantities of produce and manufactures that will be received, and also the times and places of delivery; and it shall also be the duty of the stockholders to give notice in writing, at the company's office, on or before the first day of September following, what kind of produce and manufactures, and the probable amount thereof, they will deliver.

Duty of
the president
and
directors.

Duty of
the stock-
holders.

Sec. 4. *And be it further enacted,* That if any stockholder shall neglect to make payment on any share by him held at the time the same shall become due, it shall be at the option of the president and directors, during ten days thereafter to receive the same in produce or require it in cash, and if not paid within that period, it shall be the duty of the president and directors to give public notice, that if the sum so due be not paid in cash, at the expiration of thirty days, such share shall be publicly sold to the highest bidder, and should such share sell for a larger sum than the balance due thereon, the excess shall be paid over to such delinquent; but should no person appear and bid to the amount so due, then such share and all payments made thereon, shall

Proceed-
ings had
where
stockhold-
ers fail to
make pay-
ment.

Vacancies,
how
filled.

be forfeited to and for the use of the company.

Office to
be opened
by the
president
and direct-
ors.

Sec. 5. *And be it further enacted,* That the president and directors (six of whom shall be a quorum to transact business, the president always being one) shall open and continue their office in the town of Cincinnati, and shall have the sole management of the funds of the company, for the use and benefit of the stockholders, according to their respective interests therein. They shall have the power of filling any vacancies that may happen in their body, from among the stockholders, and should any vacancy happen in the office of the president, by death, resignation, removal or otherwise, the directors shall proceed as aforesaid to choose a new director from among the stockholders, and shall then elect, by ballot, a president from their own body; and the officers thus chosen, shall continue in office until the next yearly meeting. In case of the temporary absence of the president, the directors may elect a president for the time being, and proceed to business.

President
and direct-
ors to ap-
point
agents,
clerks,
etc.

Compensa-
tion.

Sec. 6. *And be it further enacted,* That the president and directors for the time being shall have power to appoint such agents, clerks, boatmen and hirelings, and to require of them such surety and oaths of office as they may think necessary, and to allow them such compensation, out of the funds of the company,

as will induce men of probity and experience to engage. They shall establish such correspondences, make such shipments and dispose of the funds of the company in such manner as they shall judge most advantageous to the stockholders. They shall make full, fair and regular entries of all their transactions in books to be kept at the office of the company, for that purpose, which shall be open at all times for the inspection of the stockholders. They shall cause to be exhibited, previous to each annual meeting and oftener, if required, a true report of the affairs and situation of the company, together with a fair statement of all their accounts.

Make shipments and dispose of the funds.

Keep books of entries.

To be exhibited previous to each annual meeting.

Sec. 7. *And be it further enacted,* That the president and directors shall meet on the first Mondays of July, October, January and April, to transact the business of the company, and the president shall have power to call special meetings of the directors, at such other times as he may think necessary. A majority of the directors may at any time call a meeting of the stockholders, by giving three weeks notice thereof in one or more of the most convenient newspapers. Any number of stockholders, who possess in their own rights one-fifth part or upwards, of all the stock on hand, may at any time call a meeting of the stockholders, by giving three weeks notice thereof, under their hands as aforesaid.

Time of meeting.

Special meeting may be called.

Majority of directors may call a meeting of the stockholders.

Cash received on shipments, how disposed of.

Sec. 8. *And be it further enacted,* That it shall be the duty of the president and directors, to vest at least the one-half of all the cash they may receive on the shipments made from time to time, in such kinds of produce and manufactures as they may judge most advantageous, always giving the preference in the purchase of produce and manufactures to the stockholders respectively, in proportion to the number of their shares and the installments paid thereon.

Stockholders paid six per centum.

Sec. 9. *And be it further enacted,* That the president and directors shall pay to each stockholder, an annual six per centum interest on the sum or sums which shall have been paid into the funds of the company, and they are hereby authorized to make just, proportional dividends, of the net profits that may accrue from time to time, when and as often as in their opinion the interest of the company will justify it: *Provided,* That no part of the capital stock shall be drawn from the funds of the company, by such dividends, until the year eighteen hundred and forty-three, as aforesaid.

Net profits divided.

Proviso.

Shares transferable.

Sec. 10. *And be it further enacted,* That shares shall be transferable, by assignment on the books of the company.

Stockholders may vote in

Sec. 11. *And be it further enacted,* That in all general meetings, each stockholder shall be entitled to one vote for each share he shall

hold, either in his own person or by proxy, person or proxy. legally empowered for that purpose: *Provided*, such proxy be actually a stockholder.

Sec. 12. *And be it further enacted*, That the president and directors, or agents, shall not extend their engagements to a greater amount than one-half of the actual stock in the funds, nor shall any stockholder be accountable or bound in any case, by any engagement or contract made by or on behalf of the company, beyond the stock he actually has in the funds. Engage-ment limited.

Sec. 13. *And be it further enacted*, That Proviso. if the president and directors, or agents, or any of them, do extend any engagement (except in cases of absolute necessity) beyond the one-half of the capital stock on hand, as above, they shall be liable to the company for the same in their natural and private capacity, and shall besides be subject to pay to the company a penalty, not exceeding half the amount of such excess, or should they or any Penalty. one of them, appropriate any of the company's property to their own private use, or make any purchases by means of the credit or paper of the company, on private speculations, such offenders shall pay a penalty of not less than three times the amount so made use of or purchased.

Sec. 14. *And be it further enacted*, That every person who shall subscribe for a share

Subscrib-
ers
charged
with an ad-
vance in
certain
cases.

or shares, after payment shall have been made by a former subscriber, shall be charged by the president and directors with such an advance, or be required to pay their installments at such times as will render their payments equal to those of former subscribers.

Compensa-
tion.

Sec. 15. *And be it further enacted,* That the president and directors shall receive no compensation for their joint services, but their actual expenditures while engaged in the business of the company shall be defrayed out of the joint stock.

Moneys
due to
president
and direct-
ors be paid
within
thirty
days.

Sec. 16. *And be it further enacted,* That when any thing is due to any person or persons for purchases or contracts made by the president and directors, and shall not have been paid by them or their agents within thirty days after the same is due, it shall be lawful for the supreme court or court of common pleas, holden at Cincinnati, who are hereby vested with power to give judgment on motion for the sum due, against the president and directors of the said company, with interest from the time due and costs, and on contracts with assessment of actual damages: *Provided,* That fifteen days' notice in writing that such motion would be made, shall have been left at the company's office at Cincinnati, and the like remedy shall be had against the said president and directors on all bonds, bills obligatory or notes, which bonds, bills obligatory

Supreme
court or
common
pleas, on
motion, to
render
judgment.

Notice to
be given.

or notes in writing as aforesaid, shall be assignable by indorsement thereon, in like manner and effect as foreign bills of exchange now are, and if to bearer by delivery only.

Sec. 17. *And be it further enacted,* That the same summary remedy is hereby given against all persons who shall, for actual value received of the company, be bound by bond, bill obligatory, or note in writing, to the president and directors of said company. And it shall be lawful for the supreme court or court of common pleas, holden within the county or district in which the party bound shall reside, and the said courts are hereby empowered, to give judgment, on motion, for the amount of any such bond, bill obligatory or note in writing, against the obligor, maker or endorser, as the case may be: *Provided always,* That fifteen days' notice, in writing, shall have been given by the said president and directors to the person or persons against whom the motion is to be made, of such motion, if to be found, if not, a copy thereof shall be left at their usual place of abode.

Judgment,
on motion,
to be had
against
persons
bound to
president
and direct-
ors.

Notice to
be given.

Sec. 18. *And be it further enacted,* That on all motions, judgment shall be given the first court, unless for good cause, the court shall continue it to the second term, beyond which it shall on no account be continued, and where it is required a jury shall be summoned *instantly*, to enquire into any ques-

Judgment
given the
first court,
unless for
cause
shown.

Jury sum-
moned
when nec-
essary.

Court to
give judgment.

tion of fact which either party shall state, under the direction of the court, and which is not agreed to, and upon the finding of such fact or facts, or the agreement thereto, the court shall give judgment according to the very right of the case, without regard to form or pleadings in writing.

By whom
subscriptions
received.

Sec. 19. *And be it further enacted*, That until the first president and directors are chosen under this act, as hereinbefore directed, subscriptions shall be received by Moses Broadwell, Little Miami; Jacob D'Lowe, Deerfield; David Falkner, Waynesville; Isaac Spinning, Dayton; Jacob Reeder, Franklin; Maline Baker, Big Prairie; David Beatty and Celadon Symmes, Hamilton; William Ludlow, Millcreek; Thomas Smith, Whitewater; Samuel C. Vance, Lawrenceburg; Daniel Mayo, Newport; John Salmon, David Grummon and Jesse Hunt, Cincinnati, whose duty it shall be respectively, to deliver up to the president and directors of the company, so soon as they shall have been chosen in manner hereinbefore prescribed, the subscription papers and the money that shall have been paid thereon.

To deliver
the same
with the
money, to
president
and directors.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 15th, 1803.

CHAPTER XXXIV.

An act providing for the recording of deeds, mortgages and other conveyances of land.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That there shall be one recorder in each county, who shall be appointed by the associate judges of the proper county, in the manner following, to-wit: After the said associates shall have received their commissions and have taken the oaths of allegiance and of office, agreeable to law, the associate judge eldest in commission, shall give notice in writing to the other two associates, notifying them of the time of meeting at the seat of justice, for the time being, and at the same time they appoint clerks *pro tempore* (at least six days previous to the time of such meeting) for the purpose of selecting a fit person for recorder of the county; and the said associate judges or any two of them, when so met, shall proceed to appoint a person (having the qualifications of an elector) recorder of the county, for the term of seven years, if he so long behaves himself well, who shall give bond with two good sureties, to be approved of by the said judges, in the sum of one thousand dollars, to the governor of this state and his successors in office, conditioned for the faithful discharge of the duties

A recorder in each county appointed by the associate judges.

For seven years.

To give bond with good securities.

NOTE— This error of paging appears in all Vols. 1.

Oath.

of his office, who shall then take and subscribe the following oath: "I, A B, do solemnly swear, or affirm (as the case may be) that I will faithfully and impartially discharge the duties of recorder for the county of — according to the best of my abilities and understanding.

Procure books, record deeds, etc.

Sec. 2. *And be it further enacted,* That the said recorders in the several counties in this state, shall record in a fair and legible hand, in a book or books to be by him provided for that purpose, all deeds, mortgages and conveyances of lands and tenements, lying within his county, and also all other instruments and writings which by law are required to be recorded.

Endorse the time of receiving deeds, etc., for record.

When requested give receipt.

Endorse time of recording, etc.

Sec. 3. *And be it further enacted,* That the said recorder shall, upon receipt of any deed or other writing, which shall be delivered to him to be recorded as aforesaid, endorse thereon the time when the same was entered for record, and shall also (if thereunto requested) give to the person delivering the same a receipt therefor, expressing the date thereof, the name of the parties, and a description of the premises, without any fee or reward. And said recorder shall record all deeds and other writings in regular succession, according to their priority or time of being brought into his office, and when the same shall be recorded he shall endorse thereon,

the time when, the number and page of the book in which the same is recorded.

Sec. 4. *And be it further enacted,* That it shall be the duty of said recorder to make out for any person demanding the same, a fair and accurate copy of any record in his office, to which copy he shall affix his certificate and signature.

Make out
copies of
record
when re-
quired.

Sec. 5. *And be it further enacted,* That for the recording of any deed or other writing, the said recorder shall be entitled to demand and receive, of the person or persons for whom the same shall be recorded, the sum of nine cents for every hundred words therein contained; and for all copies of records the said recorder shall be entitled to demand and receive, of the person or persons requiring the same, the sum of nine cents for each hundred words contained therein.

Compensa-
tion.

Sec. 6. *And be it further enacted,* That if any recorder shall neglect or refuse to receive and record any deed or other writing, which shall be presented to him for that purpose, or shall refuse to give a receipt therefor, if required, or shall refuse to make out and certify a copy of any record that shall be demanded of him, or shall demand and receive of any person or persons, for any of the afore-said services, greater fees than is herein allowed, or shall fraudulently endorse on any deed or writing, a different date than the day

Penalty. on which said deed or writing was entered for record, or a different date from that date on which the same was recorded, with intent to defraud any person or persons, he shall for every such offense, forfeit and pay a sum not exceeding two hundred dollars, to the collector of the county where the offense shall be committed, to be recovered by indictment, and shall also pay to the party aggrieved, all damages which he, she or they shall have sustained thereby, with costs of suit.

Recorders to deliver over books, etc. Sec. 7. *And be it further enacted,* That the recorders of the different counties within this state, are hereby directed and required to deliver up all the books, records and other instruments in their respective offices, to the recorders of the respective counties, immediately after this act takes effect, and the said recorders are hereby required to give their receipt to the said recorders for the said books and papers so delivered, which shall be a full discharge to such recorder, as to the specifications therein mentioned.

To give receipt. Sec. 8. *And be it further enacted,* That all laws and parts of laws, within the purview of this act, be, and the same are hereby repealed.

Repealing clause.

This act to take effect and be in force, from and after the first day of October next.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16th, 1803.

CHAPTER XXXV.

An act appropriating moneys for the payment of debts due from the state of Ohio, and for making appropriations for the year one thousand eight hundred and three.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio,* That ten thousand nine hundred and fifty dollars, shall be appropriated for contingent expenses, and that all moneys which shall be received into the state treasury, except as above appropriated, for contingent expenses, shall be a general fund for the payment of all moneys allowed by law, which shall not be directed to be paid out of the contingent fund. Contingent fund.

Sec. 2. *And be it further enacted,* That there may be paid out of the contingent fund, the sums following, viz: Payment of it.

To the secretary of state, for distributing

the acts and journals of the legislature throughout the different counties, a sum not exceeding two hundred and fifty dollars.

To the members of the convention, their secretaries and door-keeper, a sum not exceeding three thousand five hundred dollars, agreeable to their several allowances established by law.

To the members of the senate and house of representatives, their clerks and door-keepers, a sum not exceeding six thousand dollars, agreeable to their several allowances established by law.

Payments
out of con-
tingent
fund con-
tinued.

To Nathaniel Willis, for printing the journals of both houses and laws of the state, together with other printing done for the present legislature, the amount of his account, agreeable to contract, a sum not exceeding twelve hundred dollars, which account shall be liquidated and certified to the auditor by Samuel Finley and William Creighton, Junior.

To the secretary of state, a sum not exceeding one hundred and seventy-five dollars, to defray the expenses of procuring the several seals agreeable to law.

To the secretary of state, the sum of twenty-five dollars for to furnish stationery.

Sec. 3. *And be it further enacted,* That it shall be the duty of the auditor, to issue warrants on the treasurer, to pay out of the contingent fund to the several persons above-named, the amount of their several accounts respectively, on their procuring satisfactory vouchers in support of the same, which vouchers, together with their respective accounts and receipts for all moneys paid, the auditor shall lay before the legislature, at their next session.

Auditor's
duty.

Sec. 4. *And be it further enacted,* That there shall be allowed and paid out of the general fund to the following persons, the following sums, viz:

Payments
out of the
general
fund.

To Nathaniel Willis, for fire wood furnished to both houses, during the present session, seventeen dollars.

To John Kirkpatrick, for furnishing the clerk of the house of representatives with a table, six dollars and fifty cents.

To Robert Steele, for repairs done to the senate chamber, for the accommodation of the senate, thirty-three dollars seventy-two and an-half cents.

To George Renix, for stationery and other necessities, furnished to the present legislature, sixty-seven dollars and seventy-five cents.

To George Haines, for a set of fire-irons for the use of the senate, two dollars and eighty-three cents.

To D. Graham, for twenty-six pounds of iron, three dollars and twenty-five cents.

To John Carlisle, for certain articles furnished for the use of the senate and house of representatives, six dollars and twenty-five cents.

Payments
out of gen-
eral fund
continued.

To Nathaniel Willis, for printing the constitution, journals and other printing, done for the convention, three hundred and forty-five dollars.

To Parnish George, Adam Betz, Henry Johnson, Robert Steele, Robert and Nathan Gregg, and Thomas Scott, for sundry articles furnished the convention, twenty-nine dollars and seventy-five cents.

To Thomas Worthington, five hundred and eighty-two dollars, for his services while acting as special agent on behalf of this state, in the congress of the United States, by direction of the convention.

To Nathaniel Willis, for forwarding the journals of the convention and the constitution to the several counties in the state, one hundred dollars.

To Thomas Gibson, auditor, for removing

his office and papers of government from Cincinnati to Chillicothe, thirty-six dollars.

For postage of letters, twenty-one dollars fifty-nine cents. For printing extracts of the revenue law, for the information of non-residents, forty-five dollars. For printing certificates for the payment of the members and officers of the late convention, eight dollars. For money paid N. Willis, for printing done for the territorial legislature, for which there was no appropriation, one hundred and forty-nine dollars and seventy-five cents.

Payments
out of gen-
eral fund
continued.

To the governor, judges, of the supreme court, presidents of the courts of common pleas, secretary of state, auditor of public accounts and treasurer, the amount of their respective salaries, agreeable to law, amounting to seven thousand three hundred and fifty dollars,

Sec. 5. *And be it further enacted,* That any surplus which may remain of the contingent fund, shall be added to and made a part of the general fund.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16th 1803.

RESOLUTIONS.

Resolved, by the senate and house of representatives of the state of Ohio, That the senators and representative of this state in the congress of the United States, be, and they are hereby requested and instructed, to endeavor to obtain an amendment to the first section of the second article of the constitution of the United States, which shall authorize the electors of each state to designate on their ballots the person voted for as president, and the person voted for as vice-president of the United States.

Resolved, That the governor of this state be, and he is hereby requested, to enclose to each senator, and the representative when elected, copies of these resolutions.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16th, 1803.

Resolved, by the senate and house of representatives, That the election of senators to represent this state in the congress of the United States, shall be conducted in the following manner: The senate will attend in the representatives' chamber, and being seated, a teller from each house being nominated by the respective speakers, shall proceed to collect and canvass the votes, each member voting for two persons, and the two persons (if any) having a majority of the whole, shall be declared duly elected; but in case no one person shall obtain a majority on the first ballot, the choice shall be made out of the three persons having the greatest number of votes. A certificate of the election of the person having a majority shall be made out and signed by the speakers of both houses and attested by the clerks, and shall be delivered by the clerk of the house of representatives to the governor, who shall cause the necessary certificate to issue.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16th, 1803.

Resolved, by the senate and house of representatives, That the persons hereinafter named, be, and they are hereby appointed commissioners, agreeable to the provisions of an act, entitled, "An act establishing seats of justice," viz: For the county of Scioto, David Shelby, John Chenoweth and Reuben Abrams; for the county of Gallia, Samuel S. Spencer, Robert Patrick and Timothy Green; for the county of Franklin, James Ferguson, Jeremiah McLene and William Creighton, senior; for the county of Columbiana, John Leavitt, Calvin Austin and John H. Adgate; for the county of Warren, James Barret, John Brownlee and Cornelius Snider; for the county of Butler James Silvers, Benjamin Stiles and David Sutton; for the counties of Montgomery and Green, Ichabod B. Halsey, Bladen Ashby and William McClelland; which commissioners are authorized and empowered to proceed to examine and select the most proper place for the seats of justice in the respective counties, agreeably to the act before mentioned.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 15th, 1803.

Resolved, That Samuel Carpenter, James Wells and Henry Abrams, be appointed commissioners to appraise the land included within the two college townships in the county of Washington, at its real value in its original and unimproved state; to divide and value said land into four different qualities or rates, and make return of the quantity contained in each division as near as may be, and the value thereof, to the next general assembly, on oath. And that the said commissioners also value the land in its present situation mentioning the number of houses and quantity of cleared land contained within the two townships.

Resolved, That the trustees appointed by the act, entitled, "An act establishing an university in the town of Athens," be and they are hereby required, to report to the next general assembly of this state, what measures they have taken to carry the said act into operation.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16th, 1803.

Resolved, That the general assembly of the state of Ohio, view with much satisfaction the measures adopted by the national legislature at their last session, in relation to the navigation of the Mississippi, which, whilst they afford additional testimony to the world that the United States are sincerely disposed to cultivate peace, prove that they are determined to vindicate their rights.

Resolved, That this assembly have full confidence in the administration of the general government, and rest satisfied that such measures will be pursued as will best secure the rights and interests of the western states, in the navigation of the Mississippi, and that they will afford promptly and cheerfully, every aid in their power in co-operating with the general government, in support of their rights and interest.

Resolved, That the governor of this state be requested to forward a copy of the foregoing resolutions to the president of the United States.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16th, 1803.

WHEREAS by an act, entitled, "An act levying a territorial tax on land," passed the nineteenth day of December, in the year of our Lord, one thousand seven hundred and ninety-nine, it was made the duty of the sheriffs of each county to pay into the territorial treasury the amount of the duplicate of his county, on or before the thirty-first day of December, annually; and by an act, passed the ninth day of December, in the year of our Lord, eighteen hundred, there was an interest of ten per centum on the tax of all lands which was not paid in the year eighteen hundred; and whereas the court of quarter sessions for the county of Adams did wholly neglect to make the necessary appointments for carrying the aforesaid law into effect, until the thirty-first day of December (the day on which the sheriff was by law directed to settle with the auditor) by which Nathan Ellis, sheriff of the county aforesaid, has been subjected to the penalty aforesaid, amounting to seventy-seven dollars, forty-six cents and four mills, with interest on the said sum to the fifteenth day of April, amounting in the whole to eighty-five dollars, eighty-eight cents and four mills: Therefore,

Resolved, by the senate and house of representatives, That the auditor of public accounts be, and he is hereby authorized and required, to give the said Nathan Ellis a

full discharge for the said sum of eighty-five dollars, eighty-eight cents and four mills, as claimed by the state.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16th, 1803.

Resolved, by the general assembly of the state of Ohio, That Moses Thompson be, and he is hereby appointed a commissioner, to act with the other commissioners in laying off and opening the road leading from Lake Erie to the Muskingum, agreeably to the act passed the 13th day of January, 1802, in the room of Samuel Huntington, Esq., resigned.

Resolved also, That the said Samuel, by paying into the hands of the other commissioners, or either of them, the unappropriated money by him received, for the purpose of laying off said road, shall be, and he is hereby exonerated from any further duties and obligations as commissioner aforesaid.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16th, 1803.

Resolved, by the senate and house of representatives, That the two houses will, on tomorrow (being Thursday, April 14th) meet in the representatives' chamber, at ten o'clock, and proceed to elect an agent, agreeable to the provisions of an act, entitled, An act to regulate the public salt works."

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16, 1803.

Resolved, by the senate and house of representatives, That the public printer be, and he is hereby directed, to print the constitution of this state, and annex the same to each copy of the laws of the present session of the legislature.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16, 1803.

Resolved, by the senate and house of representatives of the state of Ohio, That the thanks of the legislature be presented to Thomas Worthington, for the gift made by him of a map of this state, to the legislature thereof.

Resolved, That the map may be deposited in the office of the secretary of state, to be by him carefully preserved.

Resolved, That the secretary of state be, and he is hereby required, to have the said map lined with good brown linen, and suspended in his office on a roller constructed for that purpose, and to employ some person or persons to fill the vacancies in said map as soon as possible.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16th, 1803.

Resolved, by the general assembly of the state of Ohio, That whenever the volume of laws, passed at the present session, shall be published, the secretary of state shall immediately transmit to the clerks of the courts of common pleas of the respective counties, the number of copies following, viz: To the clerk in the county of Trumbull, 79 copies. To the clerk in the county of Columbiana, 52 copies. To the clerk in the county of Jefferson, 107 copies. To the clerk in the county of Belmont, 79 copies. To the clerk in the county of Washington, 79 copies. To the clerk in the county of Gallia, 40 copies. To the clerk in the county of Scioto, 40 copies. To the clerk in the county of Adams, 79 copies. To the clerk in the county of Clermont, 79 copies. To the clerk in the county of Hamilton, 84 copies. To the clerk in the county of Warren, 63 copies. To the clerk in the county of Butler, 63 copies. To the clerk in the county of Montgomery, 54 copies. To the clerk in the county of Green, 54 copies. To the clerk in the county of Franklin, 40 copies. To the clerk in the county of Ross, 119 copies. To the clerk in the county of Fairfield, 79 copies; and also, such number of the journals of both houses as will be in proportion to the number of the laws, one copy of each to be given to each member of the senate and house of representatives, and the balance to be distrib-

uted among the officers within the respective counties, agreeably to the directions of the associate judges of the court of common pleas.

Resolved also, That the secretary be required to furnish the following persons with the laws and journals of the present session, viz: To the governor, one copy. To the judges of the supreme court; the presidents of the courts of common pleas; auditor of public accounts; state treasurer, and to the clerks of the general assembly, each one copy, to be conveyed to the clerk of the court of common pleas of the county in which they respectively reside; and shall also retain for himself one copy: *Provided always*, That where there shall be no clerks appointed in any of the new counties, the laws and journals as aforesaid, shall be left with one of the associate judges of the courts of common pleas.

MICHAEL BALDWIN,
Speaker of the house of representatives.

NATH. MASSIE,
Speaker of the senate.

April 16th, 1803.

SECRETARY OF STATE'S OFFICE, }
 CHILLICOTHE, OHIO. }

I hereby certify, that the foregoing laws and resolutions of the general assembly of the state of Ohio, are correct copies of the rolls in my office.

Given under my hand, the thirtieth day of May, in the year of our Lord, one thousand eight hundred and three, and of the independence of this state the first.

WILLIAM CREIGHTON, JR.,
 SECRETARY OF STATE.

To the Legislature }
 of the State of Ohio. }

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